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ABSTRACT

This study assesses how much control governments of the Commonwealth of Nations (formerly the British Commonwealth) are exercising over their universities. The study encompassed a review of the relevant literature, an examination of the acts and statutes which control universities, and a questionnaire sent to 70 university vice chancellors, which generated 53 responses. The review of the literature and the legal documents revealed considerable variation in the extent of government involvement in the affairs of universities, on a continuum which ranged from a controlling role for the state at one end to a more liberal supervising role at the other. The questionnaire responses were used to plot the relative positions of seven regions United Kingdom, Mediterranean, Australasia, Asia, Africa, North American (Canada), and the Caribbean on the same continuum. Sections of the report address sources of information and methodology, results by region, an overall picture, questions of state supervision or state control, and institutional autonomy and academic freedom. Appended are the questionnaire, a list of universities that completed the questionnaire, regional analysis of questionnaire results. A graphical presentation of the regional results, a list of the universities supplying legal documents, and a classification of questionnaire answers. (Contains 54 references.) (BF)

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Measuring the Grip of the State

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COMMONWEALTH
HIGHER EDUCATION
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MEASURING THE GRIP OF THE STATE

The Relationship
Between Governments
and Universities in
Selected Commonwealth Countries

A Discussion Paper
by
Geoffrey Richardson
and
John Fielden

April 1997

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36 Gordon Square
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Telephone : (44) 0171 387 8572
Fax : (44) 0171 387 2655
E-mail : chems@acu.ac.uk

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PREFACE

I am delighted to be able to support the initiative of CHEMS in financing the research which lies behind this worthwhile publication. The choice of topic is very timely. It is a time of great change for many higher education systems in the Commonwealth. The United Kingdom is in the middle of a major review, equivalent to the great Robbins exercise over 25 years ago, South Africa has just completed a root and branch study of its higher educational future, while Australia is following Britain's example. In Canada almost every province has been taking a critical look at what its Universities are and what they do. New Zealand, having embarked on major reforms since 1990, is pausing in a political lull.

This publication may well be of some help in these analyses. It was planned as a guide to Governments on how other Governments control their Universities and to offer similar assistance to any Universities who felt that their ministry or buffer body was going beyond what was reasonable or in operation elsewhere. It marks the start of a research activity which the Association of Commonwealth Universities wishes to continue and is thus a first step in a long road of exploration.

The Commonwealth includes a large range of different cultures and styles of Government and, even though there is a common framework for University governance structures, the differences in national style lead to many different attitudes to control and monitoring. Thus one cannot readily compare the governance of an Asian University with that of a British one. For this reason, the authors analysed the position in seven different regions of the Commonwealth and developed the notion of a Commonwealth median position against which each region can be benchmarked.

It was very encouraging to reach a comforting conclusion; that academic freedom and autonomy are still relatively unchallenged and that Governments are focusing more on reporting and monitoring systems than on formal controls. As national systems grow in size and complexity, this approach becomes the only practical one; however practical reasons have never proved wholly convincing in the past, once a Government has decided it wants to take control.

The Association of Commonwealth Universities will be pursuing the lines of research which the authors have begun. We plan to use this study as the framework for a conference later in 1997; the topic is so central to the health of Universities and it is one for which there will never be a rigid answer. It is also, crucially for us, a subject where Universities and Governments can learn from each other.

Michael Gibbons
Secretary General, Association of Commonwealth Universities.

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We should like to express our grateful thanks to all the Vice-Chancellors and their senior colleagues throughout the Commonwealth who completed the questionnaire, checked the text and wrote to us with all manner of useful suggestions and information. We should also like to thank Peter Thomas for help with the processing of the data, Jean Jarvis for help with the administration and Michael Gourley for the final desk top publishing.

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1 EXECUTIVE SUMMARY

Introduction

This study sets out to assess how much control Commonwealth Governments are exercising over their Universities. It is widely assumed that Universities are being squeezed more and more in terms of both resources provided and the accountabilities and controls imposed on them. We have sought to test this assumption in three ways; by a review of the relevant literature, by studying the Acts and Statutes which control Universities and by a questionnaire sent out to University Vice- Chancellors.

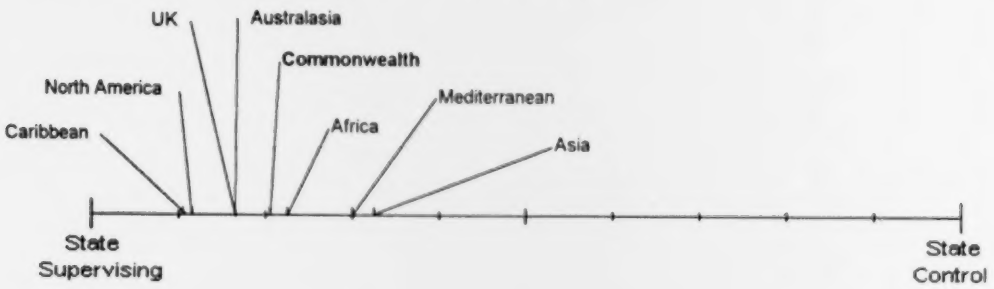
The review of the literature and legal documents setting up a sample of Universities from across the Commonwealth revealed a considerable variation in the extent of Government involvement in the affairs of universities. The picture reflected Neave and Van Vught's (1994) continuum with a controlling role for the State (SC) at one extreme and a more liberal supervising role (SS) at the other. Since Governments provide the bulk of University funds, few Universities can object to their right to know how effectively tax payers' money is used. Contention arises however over the intensity of Government control, the mechanisms used and how these may impinge on institutional autonomy (enshrined in legal documents setting up many of the Universities) and academic freedom.

A questionnaire was specially designed and sent to seventy Universities (representing 12% of all those in the Commonwealth). The very high level of response (76%) indicates the interest shown in the project.

We believe that many Vice-Chancellors will be interested to know how their perceptions of Government involvement or interference compare with Universities in other countries of the Commonwealth. From this research, it has for the first time been possible to rank the Universities in our sample along the Van Vught continuum about the Commonwealth median position. We have also ranked the regional groupings of Universities along the Van Vught continuum showing the intensity of Government involvement in Academic Freedom and the extent of Institutional Autonomy.

The Main Findings

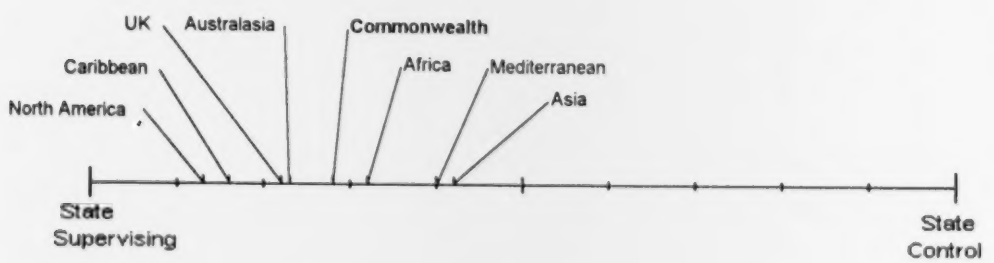
Commonwealth. The *questionnaire* responses for the Commonwealth were used to plot the position of the seven regions (United Kingdom, Mediterranean, Australasia, Asia, Africa, North America (Canada) and Caribbean) around the Commonwealth median position on the Van Vught continuum. This places State Control at one end and State Supervising at the other and shows the following picture:



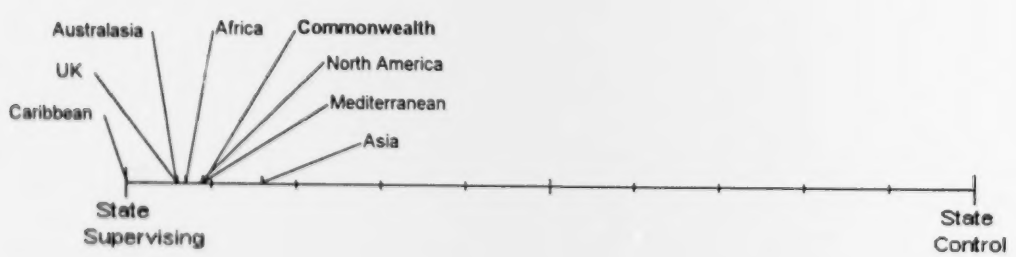
We were also able to plot along the same continuum the position of the seven regions around the Commonwealth median position showing the intensity of Government involvement in Institutional Autonomy and Academic Freedom.

These are shown below:

Institutional Autonomy



Academic Freedom



United Kingdom. The *literature* describes the trends in recent years to greater public accountability and centralised planning but the *legal documents* studied contain little

reference to government. Government controls are not so much through hands on involvement in the governance of the Universities, but through buffer bodies involved in planning, financial controls, enrolment quotas and inspection of teaching and research. The *questionnaire* results show that the United Kingdom Universities are slightly less influenced by State Control than the Commonwealth as a whole. The United Kingdom Universities experience lower State interference in the area of Academic Freedom and Institutional Autonomy than the Commonwealth as a whole.

Mediterranean. The *questionnaire* responses show that only the Asian Universities have a higher level of State Control than the two Mediterranean Universities in the sample. This is also reflected in the high level of Government interference recorded in Institutional Autonomy. Government controls are exercised through hands on participation in University governance and constraints on University autonomy in finance, staffing and student enrolments. The Mediterranean Universities experience about the same level of Government interference in Academic Freedom as the Commonwealth as a whole.

Australasia. The *literature* suggests that Australia has greater freedom from Government controls than New Zealand. The *legal documentation* shows considerable involvement of Governments throughout the region in appointing members of Council, approving statutes, mission statements and various other matters to a degree that might surprise Vice-Chancellors from other regions. The majority of Vice-Chancellors reported that Government involvement has increased over the last five years with controls through membership of Councils, planning requirements and financial controls. However, the *questionnaire* responses show lower levels of Government interference in Academic Freedom and in Institutional Autonomy - than for the Commonwealth as a whole.

Asia. Although the *literature* reveals considerable variation in practice between the nations that make up this region, the influence of Government is more strongly felt here than in any other region. The *legal documentation* shows a greater degree of Government involvement in the affairs of the Universities than in most other regions of the Commonwealth. The *questionnaire* responses show the Universities in the Asian region experience the highest State Control of all the regions of the Commonwealth in the areas of Academic Freedom and Institutional Autonomy. Government control is exercised through involvement in University governance structures, detailed prescription in the various Acts and controls exercised through planning, finance, staffing, and control over law and order.

Africa. The *literature* describes considerable tensions between African Governments and their Universities. Governments approve *legal documents* which heavily involve them in the governance structures of the Universities studied. In addition, Governments directly intervene in the universities by, for example, sending police to maintain law and order and even closing the Universities. It was surprising therefore that the *questionnaire* responses placed the sample of Universities close to the Commonwealth median position for Institutional Autonomy and suggested quite liberal Government approaches towards Academic Freedom compared with the Commonwealth as a whole . It may be that the African Universities that felt they could participate in the research were those where the

arm of the State was less intimidating. Legislative changes in Africa in 1996 did move away from the State Control model and these will post-date the literature and some of the legal documents we studied.

North America (Canada). The *literature* describes a series of Provincial University systems where in the past there has been a great deal of institutional autonomy but where now there are calls for changes and greater accountability. The *legal documentation* studied shows minimal Government involvement in University governance. From the *questionnaire* responses, the Canadian Universities are much more orientated towards the State Supervising end of the Van Vught continuum than the Commonwealth as a whole. The level of Government involvement in Institutional Autonomy is the lowest recorded in the Commonwealth and in Academic Freedom it is equal to the Commonwealth median position. This latter result might surprise Vice-Chancellors.

Caribbean. *Legal documentation* shows that Government controls are exercised through membership of the University governance machinery and involvement in financial affairs. The *questionnaire* responses placed the Caribbean Universities closer to the State Supervising end of the continuum than the other regions of the Commonwealth. Of all the regions, Governments in our sample intervene less in Academic Freedom than in rest of the Commonwealth and are placed second lowest in the area of Institutional Autonomy.

These results must be considered in the context of the differing cultures in the Commonwealth. What may be seen by one Vice-Chancellor in one culture as Government interference may be regarded as acceptable Government-University working practices in another. There is no doubt that some systems are much more paternalistic than others.

The more sophisticated the Government controls are through planning mechanisms, buffer bodies or financial controls, the less interest Government seems to have in being directly involved with University governance. These systems seem to be drowning under a proliferation of paper returns and statistics. Many Vice-Chancellors operating in this environment appear from our results to be less 'State Controlled' but more 'State-stressed' and several mentioned this. Those countries where controls and reporting systems are less sophisticated, seem to attach greater importance to Governments choosing the key figures in positions of power and exercising control through their representatives having a more hands on involvement in University governance. Vice-Chancellors operating in this environment may be less stressed.

2 INTRODUCTION

Senior managers and administrators in Universities often complain about Government interference in the running of their institutions. It may be that the grass is indeed greener elsewhere. At the heart of the matter is institutional autonomy and academic freedom. For the purposes of this paper, the former is interpreted as the freedom of Universities to determine and achieve their own goals and priorities, while the latter defines a situation in which staff may teach, research and publish without outside interference. Andersson (1995) notes that autonomy is never absolute but rather it is affected by the particular historical and cultural context of individual nations.

Neave and Van Vught (1994) identify a continuum at one end of which is the *state control model* and at the other end the *state supervising model*. France is cited as an example of a highly centralised bureaucratic state-controlled model while the older Universities in the United Kingdom and many Universities in the United States would, the authors suggest, typify the state supervising model. Commonwealth countries tended to inherit the state supervising model from their colonial past but many have now altered the nature of their University systems to meet their changing needs. In the United Kingdom, although the older Universities have retained their Royal Charters, Government (often through "buffer bodies") has influenced their activities with financial pressures and quality assessment checks in both teaching and research

Such involvement by Governments has touched at the very heart of institutional autonomy and in some Commonwealth Universities it has impinged on academic freedom. In the developing countries of Africa, for example, Governments see their Universities as national resources and press institutions to adapt themselves to national needs and changing circumstances. In this situation, Universities find they are being pushed towards the state control model. While Neave and Van Vught conclude that the state supervising model creates the right environment for academic communities to develop and innovation to flourish, they also concede that, depending on the stage of a country's social and economic development, the state control model may be an understandable and sensible approach to managing higher education.

CHEMS decided to investigate what is actually happening across the Commonwealth as evidenced by the *literature*, the *legal documents* establishing individual Universities and by the responses to *a questionnaire* drawing upon the experience and perceptions of Vice-Chancellors. The information thus gathered is used to map against the Van Vught model the intensity of direct Government involvement (which might be perceived as interference) in the affairs of Commonwealth Universities.

3 SOURCES OF INFORMATION AND METHODOLOGY

Three sources of data were used for this study.

3.1 Published sources

Published sources were consulted and these provide a background to the development of higher education in individual countries as well as illustrating the approach that Governments have adopted towards University autonomy and academic freedom. Where published sources were not particularly complimentary to some Governments, there was some reluctance from a few Universities in those countries to agree with these critical comments. Their sensitivity has been respected, although this does indicate something about these Universities' relationships with their Governments. All references consulted are listed in the Bibliography.

3.2 Legal Documentation

The second source of information for this study is the legal documentation setting up a University which invariably has been subject to amendments over the years. Royal Charters may originally have been granted, but these have in many countries been superseded by Acts approved by the national Legislature. In some countries general University Acts cover all Universities. Legal documents for 22 Universities were examined from a cross section of Commonwealth countries (Annex 5). Evidence was sought as to the extent to which the National or State Government (or the relevant Ministry) is involved in University affairs and the degree of University autonomy in governance and decisions on finance, estates, staffing, students, programme/course approvals and quality assurance. Because the format of these legal documents is very similar across the Commonwealth, it was possible to identify common themes which enabled comparisons to be made.

3.3. Questionnaire

The third source of information is a questionnaire (Annex 1) designed for this project and piloted with four Universities. It seeks to measure the degree of intensity of direct Government involvement in the affairs of Universities in the main decision-making areas that had been examined in the legal documents.

(i) The Basis for the Sample Survey

The questionnaire was sent to 70 Commonwealth Universities in the early part of 1996. The sample represented about 12% of the Universities listed in the 1995-96 Commonwealth Universities Year Book. It was not a random sample as Universities were chosen to represent different sizes and types of institution and geographical locations, with at least one University from each Commonwealth country.

Other factors also affected the sample. For example, the 12% could not be applied to each country because some have so many Universities (India has 211) while other countries have

just one University (Malta). The sample also includes all those Universities whose legal documentation was examined. By the closing date for the return of questionnaires, 41 replies (58%) had been received. While this might be considered a reasonable return, the response from Asian and African Universities was less than had been hoped for and reminders were therefore sent. The additional replies raised the total number to 53 (76%). The Universities that completed the questionnaire are listed in Annex 2.

(ii) Content of the Questionnaire.

Fifty-five item statements (referred to as "questions" hereafter), relating to the relationship between Governments and Universities, were collated into a questionnaire and piloted. Each question required a simple yes/no response. An explanatory note on the questionnaire endeavoured to clarify terms used such as "Parliament", "Government", " Council" and "Senate", although it was clear from some answers that these guidelines were not always followed by the respondents. For example, in some Universities where the President of the country is the Chancellor of the University, decisions by the President were not always equated with Government. In others, Government appointees were reported as not sitting on panels appointing Vice-Chancellors, while they did sit on those appointing senior members of staff. Since Vice-Chancellors are invariably appointed by Councils (on which there are often Government representatives or appointees) or by Governments themselves, there was some inconsistency in these responses. There may be a few other inconsistencies where it might be expected that Universities operating in the same system would be in 100% agreement. These could be as a result of misunderstandings, but for the purposes of this study the responses were recorded in the data base as they appeared on the questionnaire returns. The data from the questionnaires returned were collated and illustrated diagrammatically.

(iii) Analysis of Questionnaire Replies

The yes/no responses were collated as percentages against each of the 55 questions describing the decision-making areas. The responses are shown by Regional totals in Annexes 3 and 4. Annex 3 provides percentages, while Annex 4 presents the same results graphically. The number of Universities in the Caribbean and Mediterranean regions is small, making it difficult to compare the results with larger regional groupings. "North America" includes solely Canadian Universities.

Some respondents did not answer all the questions and some respondents wanted to qualify their responses by adding comments. Open-ended sections of the questionnaire yielded some interesting comments from Universities about their perceptions as to whether Government intervention was increasing or decreasing.

The data were analysed in two ways:-

1. The first approach involved our making an assumption as to whether a "yes" or "no" response to each of the 55 questions might indicate an orientation towards the State Control end of the Van Vught continuum or the State Supervising end. For example, a "yes" response to the statement "There are Government appointees on Senate" was classified as implying State Control (SC); a "no" response was classified as State Supervising (SS). (see Annex 6)

It has to be acknowledged that these classifications involve value judgements in some cases. But this treatment of the data made it possible to show the relative positions of each region to each other and to the Commonwealth as a whole. Although the results are not published in this paper, it was also possible to look at individual Universities and assess their location on the continuum compared with the Commonwealth as a whole and/or their region.

2. The second approach involved selecting from the 55 questions those that might be used as an indicator of "Institutional Autonomy" and those that might be an indicator of "Academic Freedom"(see Annex 6). The State Control/State Supervising responses for these two sub groups were processed to see how each region compared with other regions and the Commonwealth as a whole.

3.4 Presentation of Results

The following chapters show the results in four parts:

Chapter 4 examines the Commonwealth Regions using the literature to provide where possible a background of recent developments in Government/University relationships, but also drawing on the evidence from the legal documentation studied and the questionnaire results;

Chapter 5 takes a Commonwealth perspective and attempts to compare different regions/countries in the Commonwealth using the research into the legal documentation and the questionnaire results. A Commonwealth profile is constructed from the questionnaire responses.

Chapter 6 endeavours to locate each region more precisely on the Van Vught continuum using the yes/no responses to the questionnaire. Each region is placed in relation to the Commonwealth median position.

Chapter 7 examines two sub groups within the responses to the 55 questions using two variables - "Institutional Autonomy" and "Academic Freedom". The relative positions of each of the seven regions to one another and the Commonwealth as a whole are shown graphically on the Van Vught continuum.

Chapter 8 summarises the broad conclusions of the survey.

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4 RESULTS BY REGION OF THE COMMONWEALTH

4.1 United Kingdom

The diversity of the United Kingdom (UK) University provision reflects the autonomy the institutions have enjoyed over many years and their response to local as well as national needs. The increasing centralisation of the University system since the 1980s has threatened to challenge that diversity and autonomy despite the liberal traditions and wording of legal documents setting up the Universities. The Chairmen of all the University Councils in England and Wales have produced a 65 page "Guide for Members of Governing Bodies" (1995) which, while recognising the diversity, might well be interpreted as an acknowledgement of the move towards conformity.

The traditional external perception of the British system is that Universities have enjoyed considerable autonomy with a liberal "state supervised" existence. However, Cloete and Moja (1992) have suggested that the United Kingdom situation is now a mixture of a state directed and a "state leverage" system in which the Government uses mechanisms to ensure the Universities meet the needs of the national economy. Jenkins (1995) goes further and takes the view that since the late 1970s the Universities have been nationalised.

With the increasing cost of state support for Universities, the Government has sought greater accountability in what has been a demand-led growth of provision. The funding of teaching became separated from the funding of research and the latter was subject to labour-intensive peer review every five years. When in 1989 the University Grants Committee (UGC) was replaced by the Universities Funding Council (UFC) Government directed it to be more selective in the courses and research it would fund. Following this in 1992, the Government brought together the UFC and the Polytechnics and Colleges Funding Council (PCFC) to create three regional funding councils for England, Scotland and Wales, with a separate funding mechanism also for Northern Ireland. Student admissions were concentrated through the Universities and Colleges Admissions Service (UCAS), and the Vice-Chancellors, Principals and Directors of the former Polytechnics and the new Universities created from the Scottish Central Institutions came together in the Committee of Vice-Chancellors and Principals (CVCP). Academic audit and enhancement of teaching was to be conducted through a Higher Education Quality Council (HEQC) owned by the sector, but the Funding Councils also set up their own mechanisms for assessing teaching quality. Block grants were based on a complex, but probably more transparent, student-numbers-driven funding methodology. Universities were required to have missions, strategic plans, estate strategies, financial forecasts etc. and financial penalties were introduced for non-achievement of student number targets; Vice-Chancellors/ Principals/ Directors were labelled Accounting Officers and frequently added the term "Chief Executive" to their job specification. Formal contracts and financial memoranda have to be signed between each university and its funding council.

The older Universities in particular have become more accountable for the State funds they receive. The polytechnics, having escaped from local authority control and what they regarded as the heavy bureaucracy of the Council for National Academic Awards (CNAA), initially seemed to enjoy greater freedoms as new Universities. The four new funding bodies created in 1992 were set up to focus on funding only and not planning or policy. However, their questioning has been on balance more intrusive than the two former bodies, especially for the older Universities, although they always cloak their interventions with statements about respecting the diversity of individual institutions and their autonomy to do what they want.

Examination of the *legal documents* for three United Kingdom Universities revealed little reference to the role of Government in their affairs. Birmingham University, the oldest of the three, has a Royal Charter (1990) and the Queen, no doubt taking advice from Government, approves the appointment of a Chancellor elected by the University Court. Its Statutes may be made by the University but must be approved by the Privy Council. Members of Parliament and the Privy Council sit on the Court.

The Statutory Instrument for Liverpool John Moores University (1993) has no requirement for seeking Government approval other than if the University wishes to change its name. The Order in Council (1993) establishing Glasgow Caledonian, a new Scottish University, makes provision for the first Court members to be appointed by the Secretary of State, but thereafter the "ordinary" non-University members would be the appointing authority.

The results of the eight *questionnaire* returns from United Kingdom Universities showed that all were legal corporate bodies (question 1). All respondents reported that they do not have to obtain Government consent in the following decision-making areas: the appointment of Chancellors (questions 2-3); the appointment of Vice-Chancellors (7-9); choice of auditors (12); investing grant money (16); setting pay scales (18) and conditions of service (19-20); promoting staff (21); deciding the number of staff (41-42) and student-staff ratios (43). The Universities are free to decide research policy (38-40), publish academic papers (22), start a new degree programme (27-28) and determine entry qualifications to a first degree (29), set syllabus content (30), format of examinations (31) and teaching methods (32). The Universities can enrol any student who meets entry requirements (23); Government appointees do not sit on panels appointing Vice-Chancellors or senior staff (10-11) and auditor's reports are not laid before Parliament (13). Government does not give directions on the suitability of applicants for senior posts (44) nor approve staff travel arrangements (45-46); it has not closed Universities in the past (47) nor sent police onto campuses to maintain law and order (48). Staff and students can criticise Government policy without penalty (49-50).

All Universities reported that fewer than 33% of Council members are appointed by Government (4) and there are no Government appointees on Senate or Faculty Boards (5-6). Eighty to 99 percent of respondents said that grants are allocated through a buffer body (33-34). Sixty to 79 per cent reported that they can take out a loan without Government consent (14); fix the level of course fees (15) and decide the total number of students (24-26).

However, some Universities (up to 39% of respondents) reported that Government is involved in these matters.

Twenty to 39 per cent reported that they can without Government consent sell property funded by the State (17) and they do not have to provide Government (or the buffer body) with IT strategies (55) nor with more than one financial report per year (54). These answers may reflect some misunderstanding about the Funding Councils' Corporate Planning exercises, which expect universities to have completed an information strategy. In addition, if a British University is deemed by the Funding Council to be in financial difficulties it is placed on an "intensive care" list and may have to produce quarterly financial reports.

However, all Universities reported that their teaching is inspected by the buffer bodies (35-37) and that they are required to provide their buffer bodies with strategic academic plans (51), and financial and estate strategies (52-53).

In the *open-ended* section of the questionnaires, most Vice-Chancellors said that Government involvement "...albeit indirectly through a buffer body..." has increased in the last five years in the name of public accountability. It has been achieved mainly through the capping of publicly funded undergraduate student numbers. In addition, Government concern with accountability for quality and standards has increased, particularly for the older Universities. Most Vice-Chancellors predicted that the trend will continue over the next five years with signs that the buffer bodies are "...seeking a more overt planning role...". Fees and funding policies offer the Government "...important levers...". One Vice-Chancellor wrote "By far the worst problem is the quantum of resource available rather than bureaucratic constraints on their subsequent allocation. Financial pressures are in the process of destroying the excellence of the United Kingdom University system".

4.2 Mediterranean

This category covers the Universities in Malta and Cyprus. Only the legal documentation for the University of Malta was studied. The Education Act (1988) re-founded the University after a period of closure. The Chancellor is appointed by the President of Malta. Eleven out of twenty-four members of Council are appointed by the Prime Minister and one by the Minister in addition to the Pro-Vice-Chancellor and Rector. Statutes made by the University have to be published in the Government Gazette and, while Council has the power to establish faculties and departments, the University must take into account any directions given by the Minister. The Minister of Finance may instruct auditors to examine the books and accounts and make surprise visits to, and inspections of, the University.

Responses to the *questionnaire* indicated that both the Universities of Malta and Cyprus (100%) are legal corporate bodies (1). Vice-Chancellors identified those decision-making areas where both Universities do not have to obtain Government consent. These are those concerning the appointment of Vice-Chancellor (elected by staff in Cyprus and appointed by Council in Malta) (7-9); approval of conditions of service for staff (19-20); promotion of staff (21); publishing academic papers (22); enrolling students who meet entry requirements (23); approving a new degree programme (27-28); deciding entry qualifications to first degree courses (29); syllabus content (30); the format of examinations (31); teaching methods (32);

research policy (38-40); suitability of applicants for senior posts (44) and staff travel (45-46). They also identified those areas where there is no Government involvement including sitting on panels to choose a Vice-Chancellor (10); institutional inspections - where neither Government, University Visitor nor Buffer Body is involved (35-37); action to close campuses (47); freedom for staff and students to criticise Government policies (49-50); demands for more than one financial report per year (54) or IT strategies (55).

Areas where both agreed Governments have direct involvement are the appointment of the Chancellor (2-3); fixing the level of course fees (15); selling property funded by the State (17); setting staff pay scales (18); establishing the total number of students (24-26); allocating grants (33-34); and requiring financial strategies (52).

There are a number of decision areas where there is Government involvement in one University but not in the other. The University of Malta has more than 33% of Council members appointed by Government (4) and Government appointees on Senate (5), Faculty Boards (6) and panels appointing senior staff (11). It is required to produce a strategic academic plan for Government (51). The Government has in the past sent police onto the campus to maintain law and order (48). On the other hand, the University of Cyprus cannot without Government consent invest grant money until required (16) or take out a loan (14). The University does not choose its own auditors (12); is required to lay the auditor's report before Parliament (13); is directed about the number of staff it employs (41-42) and student-staff ratios (43). It is required to provide the Government with estate strategies (53)

In the *open-ended* section of the questionnaire, the view was expressed that the level of Government involvement had not changed over the previous five years.

4.3 Australasia

The *Australian* constitution does not afford explicit powers to the national Australian "Commonwealth" Government in the field of Higher Education, but since the Commonwealth has almost exclusive control of taxation, it can through the grants it makes to the States influence the scheme of things to a great extent. State Governments are more directly involved. In a study of 26 Australian Universities by Wood & Smith (1992), it was found that State Governor or Ministerial appointments constituted over 20% of the membership of Governing Bodies in 17 of the Universities. "While Australian Universities now have much greater freedom than they once had to offer courses or act entrepreneurially, and there is much less scrutiny of University operations, the Government insists that Universities act in accordance with general Government policies of one kind or another" e.g. towards Aboriginal students, affirmative action, occupational health and safety (Aitkin 1995, p8). Goldring's paper "The Legal Status of Higher Education Institutions in Australia" provides a useful summary of the legal relationship between the national Government in Canberra, the State governments and the Australian Universities. The key points are:-

(i) The 37 "public" Australian Universities owe their legal existence to Acts of State Parliaments rather than to instruments created by the (British) Royal Prerogative.

(ii) The Acts define the structures of governance which allow for (a minority of) State Government appointees to Councils though the main influence of Government is exercised through informal financial power rather than through governing bodies.

(iii) Universities, both in the way they are established and the way they operate, are closely akin to statutory bodies, which have traditionally been used by Governments in Australia to carry out a number of Governmental activities. They have power to make subordinate legislation but the most important Statutes cannot take effect without the Minister's or Governor's approval.

(iv) While Universities are constituted and operate under State legislation, the main Government influence over their operation is that of the Commonwealth which makes grants to the States for specific purposes - such as Higher Education.

Responsibility for Commonwealth administration of Higher Education lies with the Department of Employment, Education, Training and Youth Affairs (DEETYA). A Higher Education Council (HEC) advises the Minister on the general development of Higher Education in Australia; prioritisation of needs and planning to meet those needs in respect of buildings, equipment, staffing and financial assistance to Higher Education institutions. DEETYA through its Higher Education Division negotiates with each University its educational profile of courses and student numbers. Each University is required to report on the extent to which it has achieved its educational profile of the previous year. No extra funding is obtained by exceeding quota and a University may lose funding by not achieving quota. Over the three years 1993-95 a major funding lever was put in place. A quality review exercise spread extra funds of A$80m annually around the Universities in return for their collaboration in a review of teaching quality, research management and community involvement. The recent Hoare Committee report (1995) suggested more major changes, although the present Liberal (and Country) Party Government promised (before the elections) a less regulated system with Universities afforded greater autonomy and flexibility over their expenditure and management. In early 1997 the terms of reference were announced for a major review of higher education and these included the funding and accountability mechanisms mechanisms and processes used by Government.

In 1961, the *New Zealand* Government set up a University Grants Committee (UGC) with equal academic and lay membership and a full-time executive chairman. It assessed institutional financial need, negotiated with Government and allocated funds. It was a buffer body between the then six autonomous Universities and the Government and, during the next two decades, the UGC was largely able to support not only the growth in the size of Universities but also the quality of their work. The 1980s saw the beginnings of changes in the attitude of Government towards the Universities. The University Vice-Chancellors endeavoured to influence change through their own Watts (1987) report which called for a partnership between Government and Universities, retention of the UGC and more resources. The new Labour Government, under increasingly severe fiscal constraints, initiated its own review. It was attracted by market-orientated policies and sought more direct accountability from the institutions it funded. The Hawke report (1988) called for student loans, greater accountability, closer monitoring of performance by Government and the setting up of a number of agencies (such as Review and Audit and a national Qualifications Authority). The

UGC was to be abolished. These changes were enacted in the Education Amendment Act (1990) though the Universities successfully modified some of the more extreme provisions. Funding is now direct from the Ministry and, although the New Zealand Qualifications Agency (NZQA) as part of the New Zealand Vice-Chancellors' Committee, has a key role in course approval, moderation and accreditation, the Minister can overrule decisions to approve a course. There are national discussions currently under way about a single harmonised framework of qualifications and the Universities are concerned about the possible effects upon degree programmes. The seven Universities have recently established the New Zealand Universities Academic Audit Unit.

The 1990 Act also changed the nature of governance in the Universities, which had all been established under their own Acts, modelled on the English civic University style of governance. Councils became slightly smaller with fewer academic staff. The new National Government elected in 1991 continued the trend of the changes, reducing the proportion of Government subsidy, giving the Universities the power to set their own fees and establishing a student loan scheme. The current outstanding issues are the composition and size of University Councils and their use of capital assets for which Government wishes to levy an annual charge. The Government sees Councils as being more like Boards of Directors with more explicit roles in goal setting and monitoring of performance. The role of Vice-Chancellor is more clearly defined as Chief Executive and employer of staff.

The *legal documents* examined provide some additional detail about Government involvement in the Universities of Australia and New Zealand. The University of Queensland Act (1965) is not typical in that of the 29 appointed Governing Body members (out of a total of 36), 11 are appointed by the Governor of the State of Queensland. While the Governing Body (Senate) appoints the Vice-Chancellor, the Act stipulates that the Governor in Council may confirm or refuse the appointment. All Statutes made by the University must be transmitted to the Minister for approval and have no force until approved by the Governor. The Senate may obtain a loan only with prior approval of the Governor. The Victoria University of Technology Act (1990) establishes a Council of 36, of whom nine are appointed by the Governor in Council and three are members of the State Parliament. The first Chancellor was appointed by the Minister, though subsequent Chancellors will be elected by Council. The University can make statutes which must be approved by the Governor who is also the University Visitor. The University may borrow money within limits approved by the Governor and may set up a limited company with Ministry approval.

The University of Canterbury like all New Zealand's Universities operates under the Education Amendment Act (1990). Government was concerned to make the Universities more managerially orientated and to ensure that Ministers had sufficient powers to respond to a financial crisis in a University. The Act requires the University to have a written charter setting out the goals and purposes of the institution approved by the Minister. Failure to do so in six months after the Act came into force might have resulted in the Minister imposing a charter. The removal of the UGC meant that the University would receive its general and supplementary grants direct from the Minister. The Universities (to be regarded as Crown Agencies) must submit to the Secretary of State for Education statements of objectives (with outputs) and the financial performance to be achieved over a three year period. The Minister will receive each year an audit report and a financial management statement.

Of the 10 *questionnaires* returned for Australasia, six were from Australia, two from New Zealand, one from each of Brunei and the South Pacific. Vice-Chancellors across the region reported that all their Universities are legal corporate bodies (1).

All of respondents said they do not need to obtain consent from their Governments in the following decision-making areas: fixing the level of course fees (15); investing grant money until required (16); publishing academic papers (22); enrolling students who meet entry requirements (23); approving a new degree programme (27-28). Universities are free to decide syllabus content (30); format of examinations (31); teaching methods (32); research policy (38-40); student-staff ratios (43); suitability of applicants for senior posts (44) and staff travel within the country (45). Government appointees do not sit on panels choosing a Vice-Chancellor (10). Governments are not involved in the inspection of teaching (36-37); closing Universities in the past (47); nor have they sent police onto campuses to maintain law and order (48).

Eighty to 99 per cent of respondents do not have to obtain Government consent in the following decision-making areas: appointment of the University Chancellor (2-3); appointment of Vice-Chancellor (7-9); setting pay scales and conditions of service (18-20); staff promotions (21); the number of staff employed (41-42); specifying qualifications needed for entry to a first degree course (29); the total number of students in the University (24-26). Universities in this group are not required to provide Government (or a buffer body) with IT strategies (55), nor with more than one financial report per year (54). They are not inspected by a University appointed Visitor (35) and do not need Government approval for staff travel outside their country (46). Governments are not involved as appointees on Senates (5), nor on Faculty Boards (6). Government appointees do not sit on panels choosing senior members of academic staff (11) and do not prevent staff and students from criticising Government policy (49-50).

However, 80-99 per cent reported that they are required to provide Government (or the buffer body) with strategic academic plans (51).

Sixty to 79 per cent reported that Governments are involved directly (or through buffer bodies) in the allocation of grant (33-34) and that Universities are required to provide Government (or the buffer body) with estate strategies (53) and must lay their auditor's report before Parliament (13). Universities cannot take out a loan without Government consent (14).

Forty to 59 per cent reported that they have to provide Government (or a buffer body) with financial strategies (52), are not free to sell property funded by the State without Government consent (17), have more than 33% of their Council members appointed by Government (4) and are not able to choose their own auditors (12).

In the *open-ended* responses to the questionnaire, the majority of the Vice-Chancellors thought that Government involvement had increased over the last five years. Most of the concerns expressed came from the Australian Universities. One Australian respondent said "The introduction of fees (HECS), demands for statistical and other information and the Quality Assurance Programme all provide evidence for this increased involvement". Another

commented "We have to provide University profiles as part of the funding mechanism; there are quality reviews, policy changes on overseas students, new fee and student loan policies. We spend more time doing strategic planning, managing budgets, endless paper work to two levels of Government and I think staff morale has been lowered because we feel autonomy has been reduced". One Australian University drew attention to the frustration experienced by University managers reporting to Government departments at both Commonwealth and State levels. "Both have their different statutory and reporting requirements as well as some common ground. Where the latter does exist, the reporting formats more often than not differ." The New Zealand Vice-Chancellors' Committee reported an increased requirement for detailed and "transparent" financial accountability and the search for "...useful new financial performance indicators". One Vice-Chancellor commented that "Government involvement in the running of the University has increased over the last five years. The effect has been some improvement in accountability, decreased autonomy, greater stress for me and other senior staff and increased overheads". The University of the South Pacific said that involvement of the twelve Governments in this regional University had remained the same over the last five years.

Looking ahead to the next five years, several Australian Vice-Chancellors said they were uncertain what will happen following the change of Government. But most did expect the changes to continue. One respondent predicted an even greater emphasis on accountability and competitiveness; another said that the level of public funds in Higher Education is such that Governments must continue to take a close interest in the Universities. "The new Government may give greater freedoms to the Universities, for example, in the enrolment of full fee paying students". The New Zealand Vice-Chancellors' Committee suggested that "Universities may become more independent if Government transfers its ownership of them to Universities or some intermediate body...". One Vice-Chancellor from outside Australia and New Zealand said Government involvement would continue as long as "...Government representation on the University Council remains the same and the University is dependent mainly upon the Government for its funds".

4.4 Asia

Our survey covered seven Asian countries with *India* as the largest. Following its independence in 1947, the legal status of Universities (defined in their original Acts) was maintained and autonomy respected, although since they were almost totally dependent upon funding from State or Central Government they could not ignore the steer of the Ministries. A University Education Commission (1948-49) recommended that all the Universities must continue to be autonomous both in law and practice. From this, the Government of India sought to establish a Model Act for all Indian Universities enshrining the principles of autonomy and accountability. Majumdar (1994) notes "... the role of Government was sought to be clearly laid down... It was not through Government bureaucracy... but through the office of the Head of State to be named the Visitor or Chancellor of the University, that Government was expected to interact with the University community..." The Visitor was to have broad supervisory powers over the administration of the University but "... it was expected that enforcing accountability would not take the form of political interference in University affairs" (Majumdar 1994, p138). The Visitor had the right to cause an inspection of the University and annul any proceedings of the University seemingly inconsistent with the

University Act after consultation with the University Grants Committee (UGC) set up in 1956 as a buffer between the Universities and Governments mainly in the area of funding. The clarification of the role of Visitor by the Gajendragadkar Committee in 1969 helped to resolve some of the problems caused in the 1960s and 1970s by different State Governments' interpreting the Model Acts to suit their own political agendas.

The 1956 UGC Act gave certain institutions (some exclusively for women) "... deemed to be ..." Universities, the right to grant degrees in particular subjects including agriculture, science and medicine. There are 35 of these autonomous bodies with their own Acts and full University status. They function under the direct control of the appropriate Ministry. Today, most of the Universities are funded by the states, but 10 are funded directly by central Government as "institutions of national importance". The UGC is the most important co-ordinating body in India's large and diverse Higher Education system allocating block grants from the Planning Commission (responsible for India's 5 year plans) by formulae that have incentives and disincentives for the autonomous recipients. The growth in affiliated colleges and their move towards greater autonomy has encouraged debate about standards and accreditation. A National Assessment and Accreditation Council made up of academics has now been established. The influence of state Government in some Universities has been more intrusive than in others, even to the extent of taking over the management of the University when the Vice-Chancellor has for some reason been removed (Agrawala 1995).

In 1947, at independence, *Pakistan* inherited two secular Universities (Punjab and Sind). Over the next 40 years, there was a steady increase in the number of publicly funded Universities to the present number of 23. Thirteen of these are specialist "professional" Universities in engineering, medicine, agriculture and management sciences. The remaining "general" Universities are teaching and affiliating institutions. Their affiliated colleges teach approved common syllabi and their students sit common examinations to all degree levels. The affiliating University is responsible for the maintenance of standards. There are three Federal public Universities while the remainder were established by Act of the Provincial Legislatures. The "model Act" ensures a degree of uniformity in the nature of their governance and appears to give each University substantial authority over the control of its internal affairs. However, Vice-Chancellors and Pro-Vice Chancellors are appointed by the Chancellor - either the President of Pakistan or a Provincial Governor; Government representatives sit on Senate and the Syndicate; Government through the role of Visitor can cause inspections to take place; and all Statutes passed by the University are subject to approval by the Chancellor. Since the Universities depend upon the Government for the majority of their funding, there is this ultimate sanction. From 1979, funding has been entirely in the hands of the Federal Government working through a University Grants Committee as a buffer body. The Federal Government has in recent years taken a more detailed interest in the Universities and since the introduction of the 1973 Constitution, it has the power to legislate on policy, curriculum planning, syllabuses, books, standards of education and Islamic education in consultation with the Provisional Governments concerned. The 1973 Federal Supervision of Curricula, Text Books, Maintenance of Standards of Education Act, gave the Federal Government the power to exclude from education whatever it considers detrimental to national ideology.

In *Sri Lanka*, the first University of Ceylon was established by Royal Ordinance (No 20). This provided for a University Council with full powers to manage the institution and a Senate which made all decisions concerning academic matters. Since 1966 the legislation suggests a substantial erosion of institutional autonomy. The 1996 Higher Education Act made provision for Government intervention in institutional management. The National Council of Higher Education (NCHE) was established under its provisions with a membership dominated by Government nominees, with wide powers. The University Courts were abolished and Councils replaced with Boards of Regents appointed by NCHE. The Act also gave wide powers to the Minister of Education. Following the 1972 University of Ceylon Act, the Universities lost their separate identity and were reduced to the level of campuses of a single National University. Although the provisions of the Act were intended to be transitional for two years, this was extended. The Vice-Chancellor was appointed by the Minister of Education. A subsequent Act (1978) restored the campuses back to their original status as autonomous Universities. The Courts, Councils and Senates were re-established and provision was made for the election of the Vice-Chancellor by the Court. However, amendments were made to repeal this provision (1985) and those pertaining to the election of Student Assemblies. Following student agitation and disruption of the University system, Student Unions were established under new legislation (1988) and Vice-Chancellors would now be appointed by the President from a panel of three names submitted by the Council of each University. The University Grants Commission (UGC), established in 1978, is responsible for the allocation of funds, maintenance of academic standards, student admissions and standards of recruitment in 12 out of the 13 Sri Lankan Universities. The Act also provides for a Committee of Vice-Chancellors and Directors which meets regularly, reviews the situation in the Universities and makes recommendations to the UGC.

Dhaka, the largest University in *Bangladesh*, was established in 1921 as the first of the General Universities. There are also Special Universities focusing upon science, technology and agriculture and an Open University. The political turmoil in the period leading up to the independence of Bangladesh from Pakistan in 1971 restricted the democratisation of the Universities - the traditional home of dissent. After 1973, there was greater autonomy in University governance especially in the General Universities. A University Grants Commission (UGC) was established with two-thirds of its members from the Universities and the rest nominated by Government. It allocates Government funds and has a co-ordinating and planning role. However, Khan and Shahjahan (1995) describe the present situation as crucial in University history resulting from "...heavy pressure on admissions, irregular academic sessions, financial stringency and above all student strikes and political action leading to closure by the university authorities or the government" (p 222).

The University of Malaya was founded in 1949. The other eight *Malaysian* Universities established since then (with the exception of the International Islamic University) have adopted the same model of governance - Court, Council and Senate. The Universities are essentially State funded receiving grants-in-aid. The Conference of Vice-Chancellors meets with Government officials and the Minister of Education to determine general policy directions. Recent legislation has opened the way to a large expansion of the higher education system by encouraging the establishment of private Universities in order to help the Government achieve much higher age participation rates by the year 2000.

In neighbouring *Singapore* V Selvaratnam (1994) examines how in his view the Government has sought to ensure that the Universities (mostly funded by the tax payer) produced the "...right mix of high quality, high level manpower that is required for Singapore's economic success." (p191). He describes how, from the late 1960s, the Government re-directed University education and training towards science and technology, accounting and business management. He quotes examples of how Government actions in the past might be considered to have infringed institutional autonomy and academic freedoms. From the Government's perspective, there is a remarkable unanimity of purpose between Universities and Government, both committed to the development and prosperity of the City State. Thus, the stated mission of the National University of Singapore is to support Singapore's social and economic development by producing graduates with the requisite knowledge and skills, developing their creative potential and promoting research and innovation. As the "national" University in Singapore, it has as its focus the development of Singapore as a society and country and works in close partnership with the Government towards that common objective.

There are seven Universities in *Hong Kong* including the University of Hong Kong (the oldest), the Chinese University of Hong Kong and the two former polytechnics, granted University status in 1994. The "buffer" body between the Universities and the Government is the University Grants Committee (UGC) - made up of academics, business and professional people - all appointments controlled by the Hong Kong Government, which also provides the secretariat. Tsim and Wong (1995) note that "The Committee is supposed to act as a go-between and buffer, so that on the one hand government gets value for money and on the other hand the universities need not have their academic freedom compromised... In practice...the heavy hand of government is visible everywhere." (p597). In the Basic Law agreed between Britain and China to describe the position in Hong Kong after July 1997 the Hong Kong Special Administrative Region was granted powers to decide policies in education. Article 137 states that "educational institutions may retain their autonomy and enjoy academic freedom."

Legal documentation was examined for two Universities in India and one each for Pakistan, Sri Lanka, Bangladesh, Malaysia, Singapore and Hong Kong (Annex 5). The extent of Government involvement, as legally prescribed, varies greatly and the key areas are highlighted in the following brief descriptions. In the Karnatak University of southern India, the Act (1980) prescribes involvement of the State Government in the office of the Chancellor (who is the State Governor) and the appointment of Vice-Chancellor. Government participates through its appointees on Senate (Governing Body), the Academic Council and the University Finance Committee. Controls are exercised through the approval of Statutes by the State Governor and the auditing of accounts by the Controller of State Accounts. The Chancellor has the final decision on University staffing appointments. The Act requires the University to reserve a number of student places for certain groups and teach syllabi as prescribed by regulations. The Act of the Indian Parliament (1963) for the Institutes of Technology established a Council of all ten Indian Institutes chaired by the Minister in charge of technical education in Central Government. The Council appoints the Director of each Institute subject to approval by the Visitor who is the President of India. Members of Parliament sit on the Council. For each Institute, the Visitor nominates the Chairman of the Board of Governors on which there are State appointees. Institute accounts are audited by

the Comptroller and Auditor General of India and laid before Parliament. Grants are received direct from central Government. Disposal of property requires approval by the Visitor. In the Act for the NED University of Engineering and Technology, Sind, (1984) the Governor of the Province is designated the Chancellor and the Minister for Education (Sind) is the Pro-Chancellor. The Chancellor may institute inspections; annul the proceedings of any of the University decision-making bodies; preside at Convocations; appoint the Vice-Chancellor; and direct any member of the University staff to serve in another Government or Education post. The executive body of the University (the Syndicate) has a member from the Provincial Assembly and Secretary to the Education Department. The Act stipulates that there will be a Resident Auditor appointed by the Provincial Audit Department to approve all payments and that Government will appoint an auditor to do the annual audit. The Act requires first degree Muslim students to study Islamic and Pakistan Studies Discipline, while non- Muslims must take Ethics and Pakistan Studies. The University Act for the University of Colombo (1988), requires the President of Sri Lanka to nominate the Chancellor and appoint the Vice-Chancellor. The Auditor General audits the accounts. The Ordinance for Khulna University (1989) states that the President of Bangladesh, who is the University Chancellor, appoints the Vice-Chancellor. The Senate has members (including Members of Parliament) nominated by the Chancellor and Government. Statutes proposed by the Senate have to be approved by the Chancellor. The smaller Syndicate is the executive body of the University and has external appointees nominated by Government. The Academic Council has distinguished academics appointed by the Chancellor and each School of Study or Institute has a Board of Governors with Government appointees making up part of the membership. The Act requires the University to obtain approval for new posts from the UGC before going ahead. The University of Malaya Act (1961) establishes a Court. This is a large body on which there are representatives from Federal and State Legislatures. The executive body of the University is the Council on which the Act stipulates there will be a number of appointees from Government and State rulers. In the Act setting up the new National University of Singapore (1985), the President of Singapore is the Chancellor. He appoints or approves most of the other members of the Council. Grants-in-aid are paid direct by the Government to the University. The University's accounts must be audited by the Auditor-General. The Governor of Hong Kong is the Chancellor of The University of Hong Kong. The Act (1964) makes provision for the Chancellor to appoint a Pro-Chancellor, a large group of members of the Court and the Chairman of the Council. There are members of the Legislative Council on the University Court. The University receives its funds and targets for student numbers from the UGC made up of government appointees with a secretariat of senior civil servants.

Eleven Asian Universities completed the *questionnaire*. There were five from India and one each from Pakistan, Malaysia, Hong Kong, Singapore, Bangladesh and Sri Lanka. Levels of involvement in the 55 decision making areas varied greatly across this large region with diverse educational systems. But it was possible to identify those decision-making areas where Government involvement is quite small and those where it is much greater.

All respondents reported that their Universities are legal, corporate bodies (1) and that they do not have to obtain consent from their Governments in the following decision-making areas: publishing academic papers (22); teaching methods (32); research policy (38-40) and staff travel within the country (45). All the Universities reported that Governments are not involved in inspections of University teaching (36-37) (although those in Hong Kong are now

experiencing Teaching and Learning Quality Process Reviews); and that staff are free to criticise Government policy without penalty (49).

Eighty to 99 per cent of respondents reported that they do not have to obtain consent from their Governments in the following decision-making areas: fixing the level of course fees (15); investing grant money until required (16); promotion of staff (21); enrolling any student who meets entry requirements (23); determining the total number of students (24-26); syllabus content (30); format of examinations (31); and the suitability of applicants for senior posts (44). The Universities in this group said there are no Government appointees on Faculty Boards (6); that Governments (or buffer bodies) do not require them to provide IT strategies (55); students are free to criticise Government policy without penalty (50) and Government had not sent police onto the campus (48) nor closed the University in the past (47).

Sixty to 79 per cent of respondents said that the University can without Government consent decide entry qualifications for a first degree course (29); determine the numbers of staff (41-42) and staff student ratios (43). They also reported that the University is not required to provide the Government (or buffer body) with more than one financial report per year (54); Government appointees do not sit on Senate (5) and Government appointees do not sit on panels appointing senior academic staff (11).

Forty to 59 per cent of the Universities said that they can without Government consent decide conditions of service for staff (19-20); take out a loan (14); approve staff travel outside the country (46); go ahead with a new degree programme (27-28). The Universities reported that not more than 33% of their Council members are appointed by Government (4); that Government appointees do not sit on panels appointing Vice-Chancellors (10); and that inspections of teaching are by University appointed Visitors (35).

Twenty to 39 per cent reported that the Vice-Chancellor is appointed by the University Council (7-9) with over 55% saying it is a Government appointment (8). The Universities can without Government consent sell property funded by the State (17); they are not required to lay their auditor's report before Parliament (13).

The great majority of respondents receive their grants direct from Government (33-34); have no control over staff pay scales (18) and are required to provide their Governments with strategic academic plans (51), financial strategies (52) and estate strategies (53). Their Chancellors are appointed by Government (2-3).

In the *open-ended* section of the questionnaire, most respondents said that Government involvement had not increased over the last five years and that they did not anticipate much change over the next five years. The involvement of Government in University affairs was seen by two Universities as a positive, useful partnership and the Vice-Chancellors talked of "stability" and "steady growth". Others recognised that pressure on funding would lead to greater Government interest in University affairs.

4.5 Africa

Mwiria (1995) identifies a conflict of understanding between African Governments and the academic community about the role and mission of the Universities. Governments are critical of the notion of Universities being autonomous and self governing "...with the right to teach what they wanted without regard to the needs of their respective societies. To many a Head of State, such autonomy appeared unrealistic..." (p1) since the Universities depended upon State funds and the expectations were that in return they generated required skilled manpower. Ashby (1964) quotes Kwame Nkrumah, Ghana's first head of State "...no resort to the cry of academic freedom...is going to restrain us from seeing that our University is a healthy university devoted to Ghanaian interests..." (p 92). Mazrui (1978) draws attention to the African elder traditions where the advice of a President included in his Chancellor's graduation day address would be seen as orders for the University to carry out.

F A van Vught (1992) noted that in developing countries, "...the state control model of higher education appears to be predominant...government heavily regulates and controls higher education institutions".(p1) Sawyerr (1994) suggests that "...things have tended to come to a head under African conditions whenever the deliberate and rather aloof style of its youthful Universities has put them out of line with the perceived urgency of national development needs, especially in times of reduced national means. At such times, the temptation for the state to assume greater control over key aspects of running the University - and thus moving it along the continuum in the direction of the *control* model - becomes irresistible, putting fully to the test the capacity of the University as an institution to undergo rapid change and innovate while retaining its essential character." (p24) An extreme example of the state control model is the military government in Nigeria. At Ahmadu Bello University, the Vice-Chancellor was recently placed on indefinite leave following an investigation and a retired Major-General was appointed as Sole Administrator - the first time that an army general has been imposed on a Nigerian University.

"Even in countries where initially the state supervising model was introduced, very often now Governments appear to have installed the state control model" (Van Vught (1992, p1). Omari (1994) - locating Higher Education in several African countries on a model depicting Clark's (1983) three forces model of State Authority, Academic Oligarchy and Market Forces - sees Malawi, Ethiopia, Kenya, Uganda, Zambia, Tanzania and Zimbabwe in the State Authority segment of the model. He identifies several potential areas of friction between Universities and their Governments in developing countries such as (i) who may teach and what may be taught; (ii) who makes key appointments; (iii) determination of enrolment growth rates; (iv) financial and other resource management; (v) use of state security on campuses; (vi) management of staff promotions and travel (in Kenya University staff need Office of the President permission to travel abroad); (vii) freedom to criticise the State.

In practice, African Governments exert control over the State Universities in a host of ways irrespective of where on the Van Vught continuum the legal documents might suggest an individual University should lie. The primary control mechanism is inevitably financial. Other non-legislative controls are exerted through the issue of work permits and pressure from politicians to extend their patronage into a University. Unrest on a campus, while condemned by Governments, diverts attention from other pressing problems, and disguises

the major role that Government pressures and demands have played in creating universities' problems in the first place. Mwiria (1992) calls for good governance of the Universities and non-interference by Governments in the running of African Universities. "If Universities are to enjoy fully the autonomy guaranteed by their countries' constitutions, governments have to restrain themselves from directing what takes place at these institutions...the enjoyment of academic freedom is critical if Africa's universities are to nurture creativity and innovation which are vital to national development.....Non-interference in university affairs by government does not, however, mean that universities should not be accountable to governments and society as a whole." (p27)

South Africa has 21 Universities. The provisions of the 1955 General Universities Act and regulations approved by the appropriate education ministry gave the Universities considerable administrative autonomy, although minimum degree entrance standards were prescribed by law and new faculties/departments required ministerial approval along with the disposal of fixed assets. Under the 1984 National Policy for General Education Affairs Act and the 1983 Universities and Technikons Advisory Council Act, Ministers increased their influence over University affairs. These included responsibility for policy regarding new or enlarged institutions; academic areas in which Universities should be active; courses offered; granting recurrent and capital funds and the conditions attached thereto. But in practice, an advisory "buffer body "(Universities and Technikons Advisory Council - AUT) with Vice-Chancellors as members, became a powerful influence on ministerial decisions. Since the ending of apartheid, the new interim constitution has placed all University education directly under the control of the National Government. In 1996 a National Commission for Higher Education reported with recommendations for future directions and structures for higher education, most of which were accepted by the Government in a Green Paper in December 1996. The debate includes consideration as to whether the new South Africa should have a state controlled or a state supervising model as the basis for University/Government relations.

Legal documentation was examined for four African Universities in Zambia, Zimbabwe, Kenya and Nigeria. Since the Acts of South African Universities are currently under review, it seemed inappropriate to use them in this study. In the *University of Zambia*, the Act (1992) requires that the Chancellor be appointed by the President of Zambia. The Council membership includes National Assembly and Ministry appointments with the rest being appointed by the Chancellor who approves even those elected by staff and graduates. The Act allows the University to borrow money but with Ministerial consent if the source is outside Zambia. It also states that the University can invest funds but only with Ministerial consent. Accounts must be audited by the Auditor General or his appointee and laid before the National Assembly. Disposal of immovable property requires the approval of the Ministry.

The University of Zimbabwe Amendment Act (1990) strengthened the influence of the Ministry of Education over the affairs of the *University of Zimbabwe*. The President of Zimbabwe is the Chancellor of the University and appoints the Vice-Chancellor. The Act vests the Government and authority of the University in the Council subject to any direction as to policy given by the Minister. About two thirds of the Council members are Ministry appointees. The Act requires that Council minutes be sent to the Chancellor and Minister. Amendments to Statutes require ministerial approval. An Executive Committee is made up of Council members of whom just under half have to be Ministerial appointments. Key staff

appointments are made by the Council subject to the Minister's approval. The Act stipulates that there shall be an Academic Appointments Board, an Academic Promotion Committee and a Staff Disciplinary Committee. The National Council for Higher Education was set up in 1990 with a membership of Vice-Chancellors, Principals and Ministerial appointees. Intended as a buffer body to be involved with standards through inspections, admissions, allocation of funds it has primarily been involved so far with recommending the approval of new private Universities.

In *Kenya*, the Chancellor of the University of Nairobi is the President of Kenya unless he appoints someone else. The Act (1985) states that he may from time to time give advice to the Council which he considers necessary for the betterment of the University. The Chancellor appoints the Vice-Chancellor and approves all key staff appointments. About two thirds of the Council are appointed by, or in consultation with, the Chancellor/President or are Government appointees. The Act states that accounts are to be audited by the Auditor General (Corporations) and the auditor's report sent to the Minister and laid before the National Assembly.

In *Nigeria*, the University of Lagos operates under a decree (1993) issued by the Military Government which stipulates that membership of the Council (in addition to Pro-Chancellor, Vice-Chancellor and Deputy) will consist of five Government appointees and five University appointees (from staff, students and the Convocation). The Vice-Chancellor is appointed from Nigerian candidates only by the President of Nigeria and Commander in Chief of the Armed Forces. University accounts are audited by accountants appointed by the Minister. The 1993 decree also reduced the size of the National Universities Commission (NUC) from 31 members to 19 (plus Chairman and Secretary) of whom 10 are Ministry representatives or external members appointed by Government. The Commission advises the President about a range of matters including new Universities, University development, funding, standards, terms and conditions of service. Another decree (1985) sets out penalties for Universities failing to meet standards in areas such as class size, student-staff ratios, weeks in the academic year, records and accommodation. Parameters are set for many of these by the NUC and performance against them is reviewed annually with each University.

Thirteen African Universities completed and returned the questionnaire. There were three South African Universities (Cape Town, Durban-Westville, Pretoria); two from Kenya; and one from each of eight other countries (Mauritius, Botswana, Malawi, Zimbabwe, Zambia, Namibia, Swaziland, Dar es Salaam).

All respondents reported that their Universities are legal, corporate bodies (1) and that they do not have to obtain consent from their Governments in the following decision-making areas:- promoting staff (21); publishing academic papers (22); enrolling students who meet entry requirements (23); the format of examinations (31); teaching methods (32); research policy (38-40) and staff travel within their countries (45). All Universities reported that their Governments are not involved as members of Senate (5) or Faculty Boards (6); they do not decide the number of students (24-26) or the suitability of applicants for senior posts (44).

Eighty to 99 per cent of respondents said they do not have to obtain Government consent in the following decision-making areas:- investing grant money (16); deciding entry

qualifications for entry to first degree courses (29); syllabus content (30); student-staff ratios (43); staff travel outside the country (46). They said that their grants are allocated direct from Government (33-34); staff and students can criticise Government policy without penalty (49-50); they do not have to provide Governments with IT strategies (55) and neither Governments nor buffer bodies inspect teaching (36-37). Government appointees do not sit on panels appointing senior academic staff (11). However, up to 19% of Universities reported that their Governments are involved in these matters.

Sixty to 79 per cent of respondents said their Universities can without Government consent choose their own auditors (12); take out a loan (14); fix the level of course fees (15); set conditions of service for staff (19-20); introduce a new degree programme (27-28); and decide the number of staff (41-42). 60-79% of Universities said they do not have to provide their Governments (or buffer bodies) with estate strategies (53) nor more than one financial report per year (54). Government appointees do not sit on panels choosing a Vice-Chancellor (10).

Forty to 59 per cent reported that the Vice-Chancellor is appointed by the University Council (7-9). Universities can set pay scales without Government consent (18) and do not have to provide their Governments with strategic academic plans (51) nor lay the auditor's report before Parliament (13). Teaching is inspected from time to time by a University appointed Visitor (35).

Twenty to 39 per cent of the Universities in the sample said that the Chancellor is appointed by the University Council (2), although 67% reported the appointment is made by Government (3). They can sell property funded by the State (17) and do not have to provide Governments with financial strategies (52). While 27% said the Government had not sent police onto the campus to maintain law and order (48), 73% said they had. Fifty four per cent of respondents said that more than 33% of their Council members are appointed by Government (4) and 55% reported that their Governments had closed the University in the past (47).

In the *open-ended* section of the questionnaire, most Vice-Chancellors said that there had been no change in the level of Government interference over the last five years or there had been a decrease. "The present arrangement works fairly well. Government does not interfere at all with normal operations of the University except through funds allocation for recurrent and physical infrastructure development." Where multiparty political systems have been introduced, Vice-Chancellors noted a decrease in Government involvement. One reported that in the single party system that preceded the present Government, staff travel outside the country would have required Government approval and staff and students would not have been able to criticise Government policy without penalty. The ending of apartheid has had a significant effect on reducing the level of Government involvement in the South African Universities. One Vice-Chancellor noted "It was the previous Government that sent police onto the campus to enforce order in the apartheid state. Today the police will respond to invitation from the Vice-Chancellor only, even in response to common criminal activity".

4.6 North America - Canada

Canadian Higher Education is primarily the responsibility of the Provincial Governments - a fact enshrined in article 93 of the British North America Act and more recently ratified in the 1982 Constitution Act. This has resulted in the lack of a national system of planning, co-ordination and control. A strong tradition of University autonomy has made the Governments reluctant to adopt anything other than a "supervising" model. The Provinces with their existing legislation could if they wished adopt a more interventionist strategy, but they have declined to do so in the past. Gregor (1995) notes that "...none of the Provinces has been ready to define publicly the role of the Universities within its jurisdiction..." and "...no coherent and comprehensive statement of the federal role has been forthcoming." (p264) Yet the bill for higher education has risen dramatically over the last thirty years with increases in student participation. This, along with changing economic and social needs, has led both Federal and Provincial Governments to seek more accountability from the institutions they largely fund. George and McAllister (1995) argue that while Canadian Universities are legally autonomous, they exist "....in an environment characterised by publicly-assisted funding and close regulation of their activities." (p 27) For them, a fundamental issue "...is whether institutional self-monitoring and public reporting is a politically viable alternative to growing Government interventionism..." (p 27). In the 1990s, Provincial Governments have undertaken focused reviews including their relationships with the Universities, accountability and governance. The Federal Government, which provides the bulk of the funding (though much is given to the Provinces in block grant to be re-allocated) is probably seeking to transfer to the Provinces more responsibility for raising funds. Canadian Universities tend to have Boards of Governors or Regents set up under a University Act concentrating upon the management of the University, its relationship with Government and resource planning. Provincial Governments usually appoint the majority of members. The Senates, previously appointed, are now mainly composed of elected staff with a substantial number of student representatives. In recent years, the authority of Senates has been weakened by the increasing power of University administrators and faculty associations. Severe pressure on resources and Government concerns about accountability are causing substantial re-appraisals of the way the system works (George, 1994). Provincial Government perceptions are that their involvement in the affairs of their Universities is insufficient though this varies from Province to Province. Even the severe cuts in 1995/96 in Ontario for example (under the label of the "Common Sense Revolution") were accompanied by suggestions of further grouping of fund allocations into block grants, thus making the Universities more accountable for how and where they cut. In 1995/96, many Provincial Governments have heavily cut funding to Universities, but have allowed an offsetting increase in fees.

Legal documentation was examined for two Canadian Universities. *York University, Ontario*, operates under an Act (1965) which tightened up the terms in which the University can function specifically in extending the powers of the Board and setting out a more detailed role specification for the Vice-Chancellor. However, nowhere in the Act is there any requirement for the University to seek approval from Ministers, although the Lieutenant Governor in Council receives the annual report and may request others. *The University of British Columbia* functions under an Act (1979) which includes the Universities of British Columbia, Victoria and Simon Fraser. The Act has a section defining where Ministers are "not to interfere". These include "..the formulation and adoption of academic policies and

standards, the establishment of standards for admission and graduation and the selection and appointment of staff". However, the University "...shall not establish a new degree programme without the approval of the Minister". The University provides the Minister with reports and any other information "...that the Minister considers necessary...". Several members of the Board are appointed by the Lieutenant Governor in Council but the Act stipulates those persons who are not eligible to serve including members of the Canadian Parliament, the Legislative Assembly and the Ministry of Education. The Senate which is responsible for academic governance has 88 members, four of whom are approved by Government. The accounts of the University are audited by the Auditor General or someone appointed by the Lieutenant Governor in Council.

Seven Canadian Universities completed the *questionnaire*. All the Universities are established as legal corporate bodies (1). All of the Vice-Chancellors reported that they do not have to obtain consent from their Governments in the following decision-making areas: appointment of Chancellor (2-3); appointment of Vice-Chancellor (7-9); investing grant money until required (16); setting pay scales (18); deciding conditions of service for non academic staff (20); promoting staff (21); publishing academic papers (22); enrolling students who meet entry requirements (23); syllabus content (30); the format of examinations (31); teaching methods (32); research policy (38-40); the number of non-academic staff (42); student-staff ratios (43); the suitability of applicants for senior posts (44); staff travel within and outside Canada (45-46). All the Universities confirmed that teaching is not inspected by Government (36) or a buffer body (37); the Government has not closed the Universities in the past (47) nor sent police onto the campus to maintain law and order (48); staff and students can criticise Government policy without penalty (49-50); Universities do not have to provide their Governments with estate (53) or IT strategies (55), nor do they have to provide more than one financial report per year (54).

Eighty to 99 per cent of respondents said that there are no Government appointees on Senates or Faculty Boards (5-6) nor on panels appointing senior academic staff (11). The University can without Government consent decide on conditions of service for academic staff (19); decide the total number of students in the University (24-26); set the qualifications for entry to first degree courses (29) and decide the number of staff (41). 80-99% reported that they receive grant directly from Government (33-34), but they do not have to provide the Government (or buffer body) with strategic academic plans (51) and financial strategies (52).

Sixty to 79 per cent of the Universities in the sample said that Government appointees do not sit on a panel choosing a Vice-Chancellor (10); and the Universities do not have to lay their auditor's report before Parliament (13). The University chooses its own auditors (12), can without Government consent take out a loan (14), approve a new degree course (27-28) and sell property funded by the State (17).

Forty to 59 per cent of respondents reported that they could without obtaining Government consent fix the level of course fees (15) and that their teaching is inspected by a University appointed Visitor (35). They also said that less than 33% of Council members are appointed by Government (4).

One Vice-Chancellor, commenting upon his responses to the questionnaire, said that while the University may decide upon the number of students it admits, "enrolment corridors" (upon which Government funding depends) are set by the buffer body. University teaching *per se* is not inspected. However, a buffer body periodically reviews graduate programmes and assessments of teaching are part of those reviews. The University is free to set its own research policy. However, if it chooses to disregard expectations of the various granting councils, it may disqualify itself from grant monies.

In the *open-ended* section of the questionnaire most Vice-Chancellors said that Government involvement over the last five years had increased. None said it had decreased. One Vice-Chancellor commented "This has taken the form of increased regulations in such areas as environmental health and safety, employment equity, etc. The former Government...actively sought to set criteria by which external members are appointed to Governing Boards." Another said that "...through 'performance indicators' and directed changes to our academic staff contract, Government involvement has increased" and "...policy planning is now concentrated in a Government Office of Higher Education". Looking ahead to the next five years, most of those who had identified an increase in Government involvement over the previous five years predicted that would continue. "On a smaller scale as there has been a change in Provincial Government for whom the issue of accountability of Universities is not a major concern. However, the funding cutbacks to education institutions over the past three years have resulted in program cuts and staff layoffs. For the budget year 1996-97, a 15% cut in Government grant has been imposed with a tuition increase of 18%". One Vice-Chancellor thought Government involvement with higher education would decrease "...probably remaining a minor Government function". Clearly the situation in each Province varies greatly and several Vice-Chancellors commented upon the political flavour of the previous, existing or incoming Government as a factor affecting their responses about levels of Government involvement.

4.7 Caribbean

In this region the *legal documentation* for the University of the West Indies was examined. It revealed little reference to the role of Governments in the affairs of the University. The University operates under a Royal Charter (1984) which defines the membership of the Regional University Council including 14 Government representatives - one from each of the contributing countries. The Statutes detail the composition of the Campus Councils also including appointments from the Governments of the contributing countries. Ministers of Finance or Education sit on University and Campus Grants Committees which allocate resources for recurrent and capital programmes. However, a Commission on Governance has proposed to alter the structure of the University and its recommendations were due to come into operation in 1996.

The Universities of Guyana and the West Indies completed the *questionnaire* which showed that both Universities are legal corporate bodies (1). Vice-Chancellors identified those decision-making areas where both Universities do not have to obtain consent from their Governments. These are the appointment of Chancellor (2-3) and Vice-Chancellor (7-9); taking out a loan (14); deciding staff conditions of service (20-21); publishing academic papers (22); enrolling any student who meets entry requirements (23); deciding the total

number of students (24-26); approving a new degree programme (27-28); setting entry qualifications to first degree courses (29); syllabus content (30); the format of examinations (31); teaching methods (32); research policy (38-40); the number of staff (41-42); staff-student ratios (43); suitability of applicants for senior posts (44); staff travel inside and outside the Caribbean (45-46). There are no Government appointees on Senate (5) or on Faculty Boards (6); Government appointees do not sit on panels selecting senior academic staff (11); the auditor's report does not have to be laid before any Parliament (13); University teaching is inspected by a University appointed Visitor (35-37). Both Vice-Chancellors confirmed that Governments have not closed either University in the past (47) nor sent police onto the campuses to maintain law and order (48). Staff and students can criticise Government policy without penalty (49-50). The Universities are not required to provide their Governments (or buffer bodies) with strategic academic plans (51); financial strategies (52); estate strategies (53); more than one financial report per year (54) nor IT strategies (55).

Both Universities reported that Government appointees sit on panels choosing the Vice-Chancellor (10) and they need Government consent when setting pay scales for staff (18).

The University of the West Indies can without Government consent appoint its own auditors (12); fix course fees (15); invest grant money (16); sell property (17), whereas the University of Guyana cannot. The University of West Indies receives its grant money through the UGC, whereas the University of Guyana receives it direct from Government (33). The University of Guyana has more than 33% of Council members appointed by Government (4); the University of West Indies does not.

In the *open ended* section of the questionnaire one Vice-Chancellor thought Government involvement had not increased over the last five years, whereas the other thought it had. Both predicted an increase in Government involvement over the next five years with closer monitoring of the Universities' activities and more Government representation on University decision-making bodies.

5 AN OVERALL COMMONWEALTH PICTURE

In this section, common themes across the *legal documentation* are identified from an examination of the Acts, Charters or Statutory Instruments studied as part of this research. Then, the responses from the *questionnaire* are presented, giving an overall Commonwealth perspective.

5.1 Legal Documentation

The broad themes identified from the documentation are set out below.

1. Most Universities are established as a *legal entity,* a body corporate with perpetual succession and capable of doing and suffering all such acts or things as bodies corporate may lawfully do and suffer. Commonly Universities are capable of suing and being sued. Thus, their ultimate accountability lies with the courts. In this context, their managers have the same accountability to legislation as the managers of any enterprise; for example, the national legislation on equal opportunities. It would be for the courts to decide whether the interventions of some Governments infringe the legal corporate status of their Universities.

2. The means of appointment of *the Chancellor* is normally detailed in the legal documentation and, less commonly, there is a definition of role. In the African and Asian Universities examined, the Chancellor is either the Head of State or his/her nominee. In much of the rest of the Commonwealth, the Chancellor is elected by the governing body (Board, Council, Court), the Convocation or the graduates. Where there is reference to the role, it is usually couched in general terms such as "... presides over Senate and Convocation". In one University, the Chancellor "...may cause an inspection to be made and then communicate his views to the Syndicate". In others, the Chancellor approves statutes and ordinances; is the chief officer of the University; confers degrees, initiates inspections of teaching, research or administration and may give advice which he/she considers necessary for the betterment of the University. Clearly there is a range of roles from a figurehead of the University to more detailed involvement in the affairs of the University. Where the Chancellor is a political appointment, a more "involved" role has the potential for reducing institutional autonomy and causing role conflict with the Vice-Chancellor.

3. The requirement for a University to set up a *Governing Body* is spelt out in the legal documentation along with its role, membership and powers, often in some detail. There is normally an all-embracing statement to the effect that *the government, conduct, management and control of the University and its properties, revenues, expenditures, business and affairs are vested in the Board and the Board has all powers necessary or convenient to perform these duties and achieve the objects and purposes of the University.* This is often followed by a detailed list of powers, more so in African and Asian Universities than in others. The Governing Body is accountable under the legislation but, where institutions are set up as companies limited by guarantee, the liability of individual board members is technically restricted. Those drafting the legal documentation in many countries are clearly persuaded that accountability is achieved by ensuring that the *membership of the Governing Board*

should be chosen or at least approved by the State. In many cases the composition of Boards is so defined as to ensure that the majority of members will owe allegiance to the Chancellor (often the State President), the Government and/or the Ministry of Education. In other countries there are few or no political appointments on Boards and in some cases the Chair is usually elected by the Board.

4. The legal documents stipulate the *size* of the Governing Body and in many countries these are large with a considerable number of political appointees. The following examples show the range of composition and size found in this research.

Karnatak University, India, whose Senate includes the deans of all Faculties, five elected teachers, five elected students, three nominated students, seven elected registered graduates, one elected woman graduate, 10 State Dept representatives, five Members of the Legislative Assembly, two Members of the Legislative Council, 15 persons representing various groups (including the disadvantaged), and 10 senior Principals nominated by the Chancellor who presides over the Senate. Its powers are to review the policies of the University and to suggest measures for improvement and to consider the annual accounts and audit reports. There is a smaller Syndicate of 18 members responsible for management and administration.

Khulna University, Bangladesh, where the Senate is the law making body of the University and is made up of the Vice-Chancellor, Pro Vice-Chancellor, Treasurer, 14 members nominated by the Chancellor and Government (including Members of Parliament), 25 staff and graduates, a group of about 20 lay members (former Vice-Chancellors, retired judges and distinguished academics). A smaller Syndicate has responsibility for general management of the affairs, concerns and finances of the University.

The University of Zimbabwe, whose Council has a minimum of 43 members, 27 of whom are Ministry appointees.

York University, Ontario, Canada, where the Board of Governors consists of the Chancellor, the President (VC) and a maximum of 36 members elected by the Board.

Victoria University of Technology, Australia, which has a Council membership of 36, of whom eight are academic staff, three students, nine Governor in Council appointments, three Members of State Parliament, nine Council appointments, the Chancellor and three ex-officio members.

Glasgow Caledonian University, Scotland, which has a Court of whom 9 to 13 are appointed by the Court and from whom the Chair is elected; three to four are ex-officio, three elected staff and up to five co-opted members. There is no provision in the Act for political appointments, although the first Court was appointed by the Secretary of State and thereafter by the 9 to 13 group.

University of Canterbury, New Zealand, which has a Council of 12 to 20 members, of whom four are appointed by the Minister, the Vice-Chancellor, one to three academic staff, one to three general staff, one to three students and three or more representatives of industry and professional bodies with provision for co-option. The Council elects its Chair.

5. The legal documents also spell out the method of *appointing the Vice-Chancellor* and his/her role. Many countries in Africa and Asia require that the candidate is appointed by the Chancellor, who is also the Head of State, or by the Governing Body of the University on which there is strong Government representation. Universities in other countries (Canada, New Zealand and the United Kingdom) with few or no Government representatives on the University Governing Bodies usually make the appointments of Vice-Chancellors themselves, but there may well be informal contact with the Ministry during the process. Legal documents usually identify the Vice-Chancellor as the person to be held accountable for the smooth running of the University. Some Universities define the role of Vice Chancellor as "Chief/Principal Academic and Administrative Officer", while others add responsibilities for finance and discipline. Some define the role as "Chief Administrative Officer" or "Principal Executive and Academic Officer". Only one University (in Africa) included in the definition the words "Accounting Officer".

In 1994, Vice-Chancellors in the United Kingdom became Accounting Officers in line with new public sector auditing standards. The Accounting Officer and a member of the governing body (usually the Chairman) are required to sign the audited accounts. However, it is the Accounting Officer who is ultimately accountable (through an Accounting Officer at the Ministry or at the buffer body) to Parliament for ensuring the conduct of the University's financial affairs is compatible with a Financial Memorandum, which has been agreed with the Funding Council. This means, inter alia, that the Vice-Chancellor must alert the Governing Body if any of its actions or policies under consideration are incompatible with the terms of the Financial Memorandum, and must then inform the Chief Executive of the relevant Funding Council if the Governing Body nevertheless decides to proceed.

6. Governments require Universities *to audit their accounts* and this is built into the legal documentation. Practice varies between those systems where Government Auditors carry out the audit or the Government appoints the Auditors on its behalf or the Government leaves the University to make the appointment. In most of the Acts studied as part of our research, there is a requirement written into the legal documentation for the audited accounts to be *placed each year before the National or Provincial Parliament.*

7. The great majority of the Acts or Charters studied appear to give the Universities considerable freedom to sell, mortgage, lease, exchange or otherwise dispose of their *property*. Such apparent institutional autonomy is surprising since most of this property has been purchased by Government capital or maintained through recurrent funds. However, such largesse is not quite what it seems, since Government appointees often sit on the University Councils which make such decisions and in others there is a requirement to seek approval before selling assets from the Chancellor, Lieutenant Governor in Council or University Visitor. One Canadian Vice-Chancellor said "We can sell property funded by the government without government consent, but we cannot use the monies from such sales without consent."

8. The legal documentation varies considerably in the extent to which it prescribes the senior *staffing* structures of Universities. In some countries (Canada, Australia, New Zealand, some United Kingdom and Indian Universities) the Act or Charter requires the appointment of a Vice-Chancellor and then leaves it to the Governing Council "... to fix the number,

duties, salaries and other emoluments of officers, agents and employees of the University". In most of the other Universities studied, the legal documentation is quite prescriptive as to the appointment of a Vice-Chancellor, Treasurer, Bursar and Librarian. In some Universities there are requirements to appoint Deputy Vice-Chancellors, Directors of Student Welfare, Controllers of Examinations, Deans of Schools and Heads of Departments. It might be argued by those concerned about good management, let alone institutional autonomy, that the structure of expensive senior posts should be left to the institution to decide according to its developing needs. It is noteworthy that only one University studied had included Information Services in its legal documentation as part of the role of its Librarian.

5.2 The Questionnaire

If we look at all 55 responses to the questionnaire we find the following, overall Commonwealth picture:

All respondents reported that their Universities are legal, corporate bodies (1). They do not need to obtain Government consent in the following decision-making areas: publishing academic papers (22); teaching methods (32); research policy (38-40) and staff travel within the country (45). There was also a unanimous response that University teaching is not inspected by Government inspectors (36).

Eighty to 99 per cent of respondents said that they do not have to obtain consent from their Governments in the following areas: investing grant money (16); promotion of staff (21); enrolling students who meet entry requirements (23); deciding the total number of students (24-26); entry qualifications for a first degree course (29); syllabus content (30); examination format (31); number of academic and non academic staff (41-42); staff-student ratios (43); suitability of applicants for senior posts (44) and staff travel outside the country (46). For the 80-99% there were no Government appointees on Senate (5), Faculty Boards (6) nor panels appointing senior academic staff (11); the Government has not closed the University in the past (47); staff and students can criticise Government policy without penalty (49-50); the University does not have to provide Government or a Buffer Body with IT strategies (55).

Sixty to 79 per cent of the respondents reported that the University can without Government consent appoint the Vice-Chancellor (7-9); choose Auditors (12); take out a loan (14); fix course fees (15); sell property funded by the State (17); decide conditions of service for academic and non academic staff (19-20) and approve a new degree programme (27-28). This group is not required to provide more than one financial report per year to Government (or Buffer Body) (54); Government appointees do not sit on panels appointing a Vice-Chancellor (10); grants are allocated by Government direct to the University (33-34) and teaching is not inspected by a University Visitor or Buffer Body Officials (35 & 37). The Government has not sent police onto the campus to maintain law and order (48).

Forty to 59 per cent of the replies said they do not have to provide Government with estate strategies (53); they can appoint the University Chancellor (2-3) (although 38% said the appointment was by Government) and the Government does not appoint more than 33%

of Council members (4). The same percentage do not have to lay the auditor's report before Parliament (13) can set pay scales for staff (18).

Twenty to 39 per cent of respondents said they do not have to provide Government or a Buffer Body with strategic academic plans (51) or financial strategies (52) (implying that 62% have to in both cases).

5.3 A Commonwealth Profile

The questionnaire data have given us the most valuable picture of the extent to which Governments exercise control over their Universities. It should be possible to rank the questions to show by the value of the percentage responses those areas which were subject to maximum State Control and those to least State Control

This we have attempted in Table 1

Table I

Commonwealth Profile

Shown in descending percentage order

Note: The figures are based on the Yes answers in the All Regions column in Annex 3 and the question numbers are those given in Annex 6.

Question No		*% Yes*
1	The University is a legal corporate body	100
38	Research policy is decided within the University	100
22	The University can publish academic papers without Govt approval	100
23	The University can enrol any student who meets published entry requirements	98
21	The University can decide to promote staff without Govt approval	96
49	Academic staff can criticise Government policy without penalty	94
50	Students can criticise Government policy without penalty	92
16	The University can, without consent, invest grant money until required	92
24	The total student numbers are decided by the University	81
20	The University can decide the conditions of service of non academic staff	79
19	The University can decide the conditions of service of academic staff	75
15	The University can without approval fix the level of course fees	74
7	The Vice-Chancellor is appointed by University Council	69
33	Grants are allocated from Government direct	65
14	The University can without Government approval take out a loan	64
12	The University chooses its own auditors	64
51	The University has to provide Government with strategic academic plans	62
52	The University has to provide Government with financial strategies	62
18	The University can set independent pay scales for staff	58
2	The Chancellor is appointed by the University Council	55
53	The University has to provide the Government with estate strategies	52
13	The University auditors report is laid before Parliament	43
4	More than 33% of Council members are appointed by Government	42
17	The University can sell property funded by the State without consent	40
3	The Chancellor is appointed by Government	38
34	Grants are allocated through a buffer body	35
35	University teaching is inspected by a University Visitor	34
54	The University has to provide Government with more than one financial reports per year	28
27	A new degree programme has to be approved by Government	26
25	The total student numbers are directed by the Government	25

10	Government appointees sit on Panel appointing the Vice-Chancellor	24
48	The Govt has sent police onto the campus to maintain law and order	22
37	University teaching is inspected by buffer body officials	21
55	The University has to provide Government with IT strategies	19
8	The Vice-Chancellor is appointed by Government	18
28	A new degree programme has to be approved by a buffer body	18
11	Government appointees sit on a panel appointing senior academic staff	18
41	The Government gives directions on the number of staff	17
42	The Government gives directions on the number of non academic staff	15
46	Staff need Government approval to travel outside the country	15
47	The Government has closed the University in the past	14
5	There are Government appointees on Senate	13
43	The Government gives directions on staff student ratios	12
9	The Vice-Chancellor is chosen by Council but approved by Government	12
26	The total student numbers are allocated by a buffer body	11
29	Government sets the entry level qualifications for first degree courses	12
6	There are Government appointees on Faculty Boards	8
39	Research policy is decided by the Government	6
30	The Government gives directions on syllabus content	4
40	Research policy is decided by the buffer body	4
44	The Government gives directions on the suitability of applicants for senior academic posts	2
31	The Government gives directions on the format of examinations	2
36	University teaching is inspected by Government inspectors	0
32	The Government gives directions on teaching methods	0
45	Staff need Government approval to travel within the country	0

The questionnaire was not designed so that all 'yes' responses meant a high degree of state control and all 'no' responses meant less. Taking two different questions, a 'yes' response to one and a 'no' response to another could well indicate a high degree of institutional autonomy. Thus, Table 1 shows us the overall Commonwealth position but is not very helpful in classifying the responses. For example, a 0% response to question 32 on Government direction of University teaching methods could be presented more positively as a 100% endorsement of the University's freedom from intervention.

In the following section therefore we make assumptions about what a 'yes' or a 'no' response to each question tell us in terms of more or less State Control in the different regions of the Commonwealth.

6 STATE SUPERVISING OR STATE CONTROL?

Chapter 5 took a broad Commonwealth perspective based on the legal documentation and the questionnaire responses. Now we would like to place each region and, if required, each University much more precisely on the Van Vught continuum. We therefore decided to make assumptions about whether a 'yes' or a 'no' response to each of the 55 questions might be interpreted as tending towards more Government involvement or interference (State Control) or less Government involvement or interference (State Supervising). These assumptions are given in Annex 6. For example, we decided to code a 'yes' response to the statement "There are Government appointees on Senate" (5) as State Control (SC); we coded a 'no' response as State Supervising (SS).

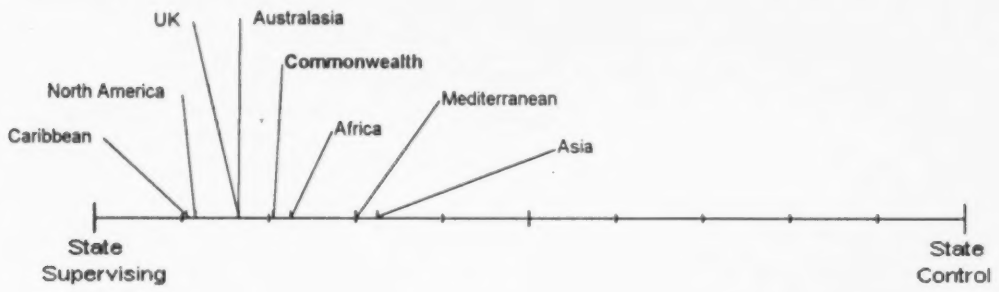
When we came to look at a sample of actual questionnaire responses against the coding suggested in Annex 6, we found that in one or two of the 'no' responses they could not always be assumed to indicate a tendency towards the opposite end of the continuum from a 'yes' response. Thus, "The Chancellor is appointed by the University Council "(2). A 'yes' response can be confidently coded SS; but a 'no' response cannot necessarily be taken to mean greater Government interference (SC). One University Vice-Chancellor noted that his Chancellor is "...elected by all registered graduates" and another said that "...election by alumni" was the process used. So the 'no' column was not coded SC but left blank as it now appears in Annex 6. Another example was in response to "Research policy is decided by the Government "(39) or "... by the buffer body" (40). A 'yes' response to either of these could confidently be coded SC but a 'no' response to (39) might be because the respondent wished to say that research policy is decided by the buffer body (40) or vice-versa. A 'no' response to (39) or (40) cannot confidently be assumed to be SS and both were left blank in Annex 6. The others treated in the same way are (25), (26), (35) and (38).

We then applied the coding system in Annex 6 to each University's responses to the 55 questions translating their yes/no responses into the SC or SS code. Adding up the SC/SS scores for each university and then for each region, we produced the following scores.

Region	State Control %	State Supervising %
Commonwealth	**21**	**79**
United Kingdom	17	83
Mediterranean	30	70
Australasia	17	83
Asia	33	67
Africa	23	77
North America	12	88
Caribbean	11	89

The three regions of the Commonwealth that have greater State Control orientations than the Commonwealth as a whole are the Mediterranean, Africa and Asia. The United Kingdom, Australasia, North America and the Caribbean have greater State Supervising orientations.

It is now possible to place these regions in relation to each other as well as the Commonwealth as a whole. They can be placed along the Van Vught continuum in the following way.



The variations of scores of the individual Universities within some of these regions is quite considerable. It is not appropriate to identify individual Universities but we can illustrate the point in a general way. Although the United Kingdom and Australasia have the same scores, the United Kingdom Universities State Control scores range from 14-20% compared with 10-38% for Australasia.

The range of State Control scores for the other regions were:- Caribbean 6-16%; North America 4-24%; Africa 5-45%; Mediterranean 28-33%; Asia 18-50%. Because the regions are rather artificial, the inclusion or exclusion of particular Universities can skew the results. For example, the range of State Control scores in Australasia is greater than might have been expected. If Australian and New Zealand Universities only are included in this group the range becomes 11-24% giving an average of 16% as compared with 17% for Australasia. In the same way, it was not expected that the African SC score would be so close to the Commonwealth mean. If the three South African universities are left out, the average SC score increases from 23% to 26%.

7 INSTITUTIONAL AUTONOMY AND ACADEMIC FREEDOM

As a final experiment with the data, we identified which of the 55 questions might be used as an indicator of institutional autonomy (IA) and which as an indicator of academic freedom (AF). Our classification is shown in Annex 6.

Institutional autonomy is defined as the freedom of a University to determine and achieve its goals and priorities. For the purposes of this study, this has been interpreted as all those decision-making areas which are about governance and resources rather than about the professional task. Thus, "The Vice-Chancellor is appointed by the University Council" (7) is placed in the IA (Institutional Autonomy) sub group because it can be a measure of whether or not the University has autonomy in this decision-making area. "Grants are allocated to the University from Government direct (33)" is also in the IA sub group. It is a constant reminder to the University that, being dependent upon Government grant, it can never really be fully autonomous.

Academic freedom is defined as a situation where staff may teach, research and publish without outside interference. Thus, " The Government gives directions to the University on teaching methods "(32) is sorted into the AF sub group because it can be a measure of whether Government interferes with the core professional task. It might be said to be at the heart of academic freedom. Also included in this sub group are those questions dealing with research, inspection of teaching, free speech, format of examinations, syllabus content, entry qualifications and the appointment of academic staff.

Assumptions were made about each of the 55 questions in the questionnaire and two sub groups (IA and AF) were formed. The responses were then analysed to see how each region compared with the Commonwealth median position in each of the two sub groups, for Institutional Autonomy and Academic Freedom.

Since our questions were not designed to cover all aspects of either autonomy or academic freedom, the scores we deduce should only be taken as indicative. Their value lies principally in showing the relative position of one Commonwealth region with another.

Chart I: Institutional Autonomy

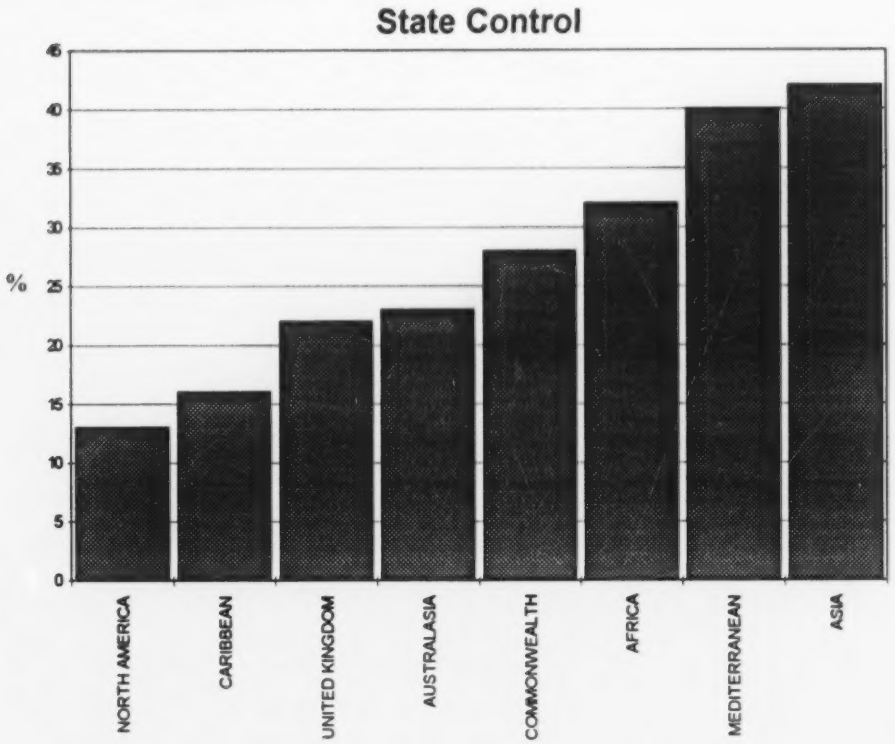
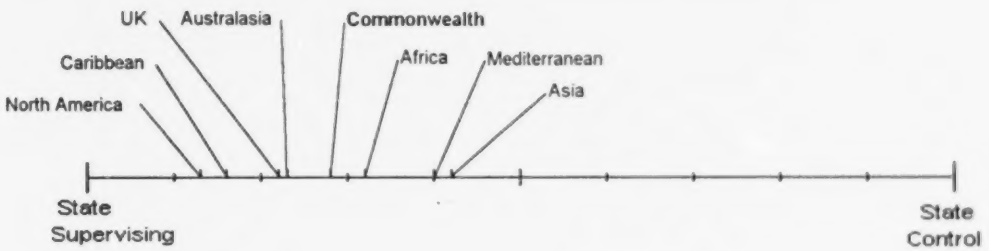


Chart I above shows the Institutional Autonomy scores for all the Universities in each Commonwealth region. Thus, North America has the least State Control and Asia the most.

We can place the results on the Van Vught continuum as shown below.



Separating out the thirty five questions which can be used as a measure of Institutional Autonomy produced some interesting results. The range of State Control scores increased from 11-33% for all 55 questions to 13-42% for Institutional Autonomy with the Commonwealth median position changing from 21% to 28%. The changes were most marked in the Mediterranean and Asian regions with an increase in State Control scores. North America replaced the Caribbean region as showing the lowest State Control scores.

The scores for individual Universities in each region ranged from:- North America 6-29%; Caribbean 9-24%; United Kingdom 17- 26%; Australasia 15-45%; Africa 6-58%; Mediterranean 32-48%; and Asia 22-61%. If the Australian and New Zealand Universities only are taken together, that produces a range of 15-27% with an average State Control score of 21%. If South African Universities are excluded from Africa, the African State Control scores range from 7-58% with an average of 37% compared with 32% for the whole region.

Chart II: Academic Freedom

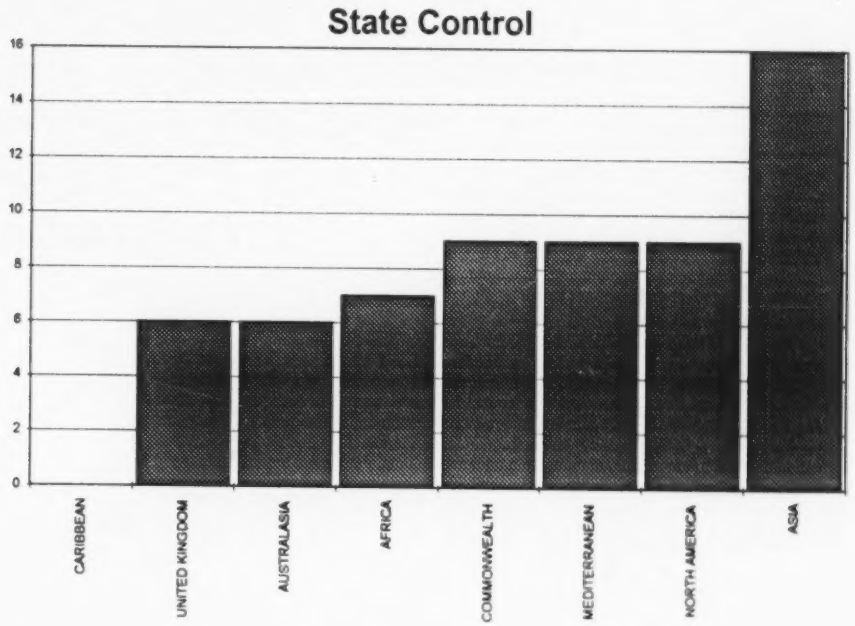
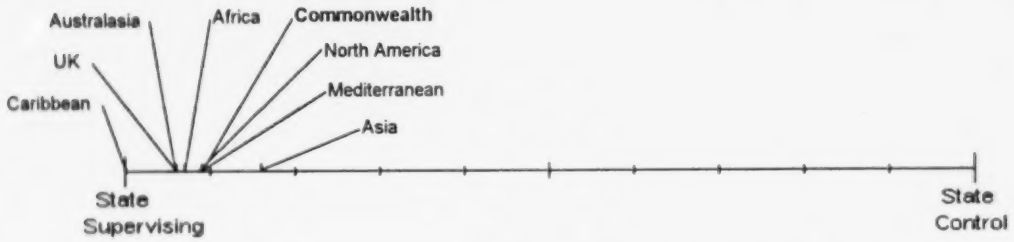


Chart II presents the scores for Academic Freedom in each region as indicators of State Control. The Caribbean recorded the lowest State Control score and the Asian region the highest. It is not surprising that the scores in this sub group of 18 questions are small - this after all is the area concerned with academic judgement and the professional task. The issue is so sensitive that written into the legal documentation of some Universities are areas where the Government may not tread. What is surprising is that more regions did not score 0% for State Control. Other interesting changes along the SS/SC continuum are that North America equals the Commonwealth median score (9%); that Africa records a lower SC score (7%) than the Commonwealth as a whole; and that Asia records the highest State Control score in the area of Academic Freedom.

We can place the results on the Van Vught continuum as shown below.



The State Control scores for individual Universities in each region range from: Caribbean 0%; United Kingdom 6%; Australasia 0-24%; Africa 0-22%; North America 0-18%; Mediterranean 0-19%; and Asia 0-38%. The State Control scores for Australia and New Zealand range from 0-18% with an average of 5%; each of the United Kingdom Universities recorded a score of 6% and Africa, excluding South Africa, produced a range of State Control scores from 0-19% with an average of 5%. The scores of the South African Universities ranged from 6-22% in Academic Freedom - higher than expected with an average score of 14%. While the other African States appear to reduce institutional autonomy, the Universities in our sample enjoy a greater degree of Academic Freedom (as measured on the questionnaire) than all the other Commonwealth regions with the exception of the Caribbean.

8 CONCLUSION

This study set out to discover the intensity of Government involvement in the affairs of Commonwealth Universities. It sought to map this intensity against the Van Vught continuum represented by "State Control - State Supervising". The high level of response (76%) to the questionnaire by Vice-Chancellors from throughout the Commonwealth confirmed the widespread interest in the subject and provided a database that could be used with some confidence representing 9% of all the Universities in the Commonwealth. The variations in composition of the seven regions militated somewhat against "regional scores" but it was not considered appropriate to publish data for individual Universities. The treatment of data does provide broad-brush findings which supports the evidence gleaned from literature and the legal documents studied. Some broad conclusions were reached for the regions.

United Kingdom. The *literature* describes the trends in recent years to greater public accountability and centralised planning. The *legal documents* contain little reference to Government. The *SC/SS scores* show that the relative position of the United Kingdom is quite close to the Commonwealth median on the Van Vught continuum, which Vice-Chancellors from other regions might find a little surprising. Government controls may not be through hands-on involvement in the governance of the Universities, but through buffer bodies involved in planning, financial controls, enrolment quotas and inspection of teaching and research. The *IA/AF scores* reveal low State Control in Academic Freedom and higher State Control in Institutional Autonomy than the legal documents might suggest.

Mediterranean. Both Universities reported that the level of Government involvement in University affairs had not changed over the last five years. The SC/SS scores showed an orientation to State Control with only Asia having a higher SC score. Government controls are exercised through hands-on participation in University governance and constraints on University autonomy in finance, staffing and student enrolments. The *IA/AF scores* of the Universities in the sample show State Control in Academic Freedom to be the same as the Commonwealth median position but a considerably higher level of State Control in Institutional Autonomy.

Australasia. The *literature* suggests that Australia has greater freedom from Government controls than New Zealand which is borne out by the *SC/SS scores* with State Control registering 15 for Australia and 18 for New Zealand. The *legal documentation* shows considerable involvement of Government appointing members of Council, approving statutes, mission statements and various other matters to a degree that might surprise Vice-Chancellors from other regions. The majority of Vice-Chancellors reported that Government involvement had increased over the last five years with controls through membership of Councils, planning requirements and financial controls. The *IA/AF scores* indicate a low level of State Control in Academic Freedom and a higher degree of State Control in Institutional Autonomy - slightly less than the Commonwealth median position.

Asia. The *literature* reveals considerable variation in practice between the nations that make up the region. The research found a degree of sensitivity in some of the Universities to anything that might be interpreted as critical of Government. The *legal documentation* shows a greater degree of Government involvement in the affairs of the University than in most other regions of the Commonwealth - often specified in great detail. The *SC/SS scores* show the Universities in the Asian region sample experience the highest State Control of all the regions of tne Commonwealth. Government control is exercised through involvement in the University governance structures, detailed prescription in the various Acts and controls exercised through planning, finance, staffing, law and order. The IA/AF *scores* show the highest State Control scores in Academic Freedom and Institutional Autonomy of all the regions in the Commonwealth.

Africa. The *literature* describes considerable tensions between African Governments and their Universities. The *legal documents* also showed a considerable degree of Government involvement in the governance structures of the Universities studied. The *SC/SS scores* being close to the Commonwealth median position were lower for State Control than the literature might suggest. It may be that the African Universities that felt they could participate in the research were those where the arm of the State was less intimidating. Government controls are exercised through involvement in the governance structures, controls on finance, staffing and direct State interventions such as sending police to maintain law and order and even the closure of Universities. The *IA/AF scores* for the African Universities in the sample are close to the Commonwealth median position. The State Control score for Academic Freedom is less than the Commonwealth median position which is a little surprising in view of the literature and legal documentation studied.

North America. The *literature* describes a series of Provincial University systems where in the past there has been a great deal of institutional autonomy but where now there are calls for changes and greater accountability. The Vice-Chancellors are used to a culture where the State has a minimal role and, seeing that increase, they expressed their anxiety. But compared with the other regions of the Commonwealth, the SC/SS scores show Canadian Universities are much more orientated towards State Supervising than State Control. Only the Caribbean region has a lower State Control score. The *legal documentation* studied shows minimal Government involvement and indeed in one of the Universities the Act has a specific section defining where Ministers are not to interfere. Government controls are through some involvement with governance structures at Council level and in financial affairs. The *IA/AF scores* show that the Canadian Universities in the sample have a State Control score in Academic Freedom which is equal to the Commonwealth median position which might surprise Vice-Chancellors in other parts of the Commonwealth. The State Control score in Institutional Autonomy is the lowest in the Commonwealth.

Caribbean. The *SC/SC scores* revealed the lowest SC scores in the Commonwealth. Government controls are exercised through membership of the University governance machinery and involvement in financial affairs. The *IA/AF scores* record the lowest State Control score in Academic Freedom in the Commonwealth and the second lowest for State Control in Institutional Autonomy.

Most Vice-Chancellors probably accept that since Governments fund their Universities they have a legitimate right to know on behalf of the tax payer how the money is used and how effectively it is used. The debate centres on the areas over which direct control is exercised, the degree of intensity of such control and the mechanisms used to do it. Vice-Chancellors' comments in the open-ended section of the questionnaire and often in accompanying letters, seem to suggest that there would be considerable variations from one country to another as to what level of Government involvement is "acceptable". The majority predicted more involvement in the next five years from whatever position they are currently experiencing. Andersson (1995) notes that autonomy is never absolute but rather it is affected by the particular historical and cultural context of individual nations. What might be seen by one Vice-Chancellor in one culture as Government interference might be regarded as acceptable Government-University working practices in another. There is no doubt that some systems are much more paternalistic than others. The more sophisticated the Government controls are through planning mechanisms, buffer bodies, financial controls, the less interest Government seems to have in being directly involved with University governance. These systems seem to be drowning under a proliferation of paper returns and statistics. Many Vice-Chancellors operating in this environment appear from our results to be less "State Controlled" but more "State-stressed" and several mentioned this. Those countries where systems are less sophisticated seem to attach greater importance to Government choosing the key figures in positions of power and exercising control through their representatives having a more hands on involvement in University governance. Vice-Chancellors operating in this environment may be less stressed.

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ANNEX 1

THE QUESTIONNAIRE

STRICTLY PRIVATE AND CONFIDENTIAL

An Assessment of the Degree of Intensity of Direct Government Involvement in the Affairs of Commonwealth Universities

Please note that "Parliament" refers to National and State Legislatures; also, "Government" includes Ministries, Education Departments and Buffer Bodies, except where within a question the two roles of Government and Buffer Bodies have been separately identified. "Council" is used to include the University body responsible for exercising the powers of the University (Court, Governing Board, Syndicate). "Senate" also includes Academic Board and Academic Council.

The Legal Framework	Yes	No
1. The University is a legal corporate body		
2. The Chancellor is appointed by: a) the University Council b) the Government		
3. More than 33% of Council members are appointed by Government		
4. There are Government appointees on Senate		
5. There are Government appointees on Faculty Boards		
6. The Vice-Chancellor is: a) appointed by University Council b) appointed by Government e) chosen by University Council, but approved by Government		
7. Government appointees sit on a panel choosing the Vice-Chancellor		
8. Government appointees sit on a panel appointing senior academic staff		
9. The University chooses its own auditors		
10. The auditor's report is laid before Parliament		
11. The University can, without Government consent: a) take out a loan b) fix the level of course fees c) invest grant money until it is required d) sell property funded by the State		
12. The University can without Government approval: a) set independent pay scales for staff b) decide the conditions of service of academic staff c) decide the conditions of service of non academic staff d) decide to promote staff		
13. The University can publish academic papers without Government approval		

	Yes	No
14. The University can enrol any student who meets published entry requirements		
15. The total student numbers are a) decided by the University b) Directed by the Government c) allocated by a buffer body		
16. A new degree program has to be: a) approved by Government b) approved by a buffer body		
17. The Government gives directions to the University on: a) Qualifications needed for entry to first degree courses b) syllabus content c) the format of examinations d) teaching methods		
18. Grants are allocated to the University: a) from Government direct b) through a buffer body		
19. University teaching is inspected from time to time by: a) a University appointed Visitor b) Government inspectors c) buffer body officials		
20. Research policy is decided: a) within the University b) by the Government c) by the buffer body		
21. Government gives directions on: a) the number of staff b) the number of non-academic staff c) staff-student ratios d) suitability of applicants for senior academic posts		
22. Staff need Government approval to travel: a) within the country b) outside the country		

	Yes	No
23. The Government has closed the University in the past		
24. The Government has sent police onto the campus to maintain law and order		
25. Academic staff can criticise Government policy without penalty		
26. Students can criticise Government policy without penalty		
27. The University has to provide Government (or buffer body) with: a) strategic academic plans b) financial strategies c) estate strategies d) more than one financial report per year e) IT strategies		
Trends		
28. Do you think that Government involvement has increased, decreased or has not changed in the last five years? Please comment.		
29. Do you anticipate that the trends indicated in 28 will continue over the next 5 years? Please comment.		

30. Other comments:

31. Please give your name and telephone number so that we may contact you if we have any queries on your answers:

Please return, by fax or post, to:
John Fielden, Director,CHEMS
John Foster House, 36 Gordon Square
London WC1H 0PF Fax: 0171 387 2655

ANNEX 2

UNIVERSITIES THAT COMPLETED THE QUESTIONNAIRE

UNITED KINGDOM

Glasgow Caledonian University, Scotland
The Queen's University Belfast
University of St Andrews, Scotland
The University of Manchester, England
University of Humberside, England
The University of Birmingham, England
Liverpool John Moores University, England
University of Sussex, England

MEDITERRANEAN

University of Cyprus
University of Malta

AUSTRALASIA

University of Auckland, New Zealand
University of Canterbury, New Zealand
Monash University, Victoria, Australia
The Flinders University of South Australia
Northern Territory University Australia
University of Canberra, Australia
The University of Queensland, Australia
Victoria University of Technology, Australia
Universiti Brunei Darussalam
The University of the South Pacific

ASIA

The National University of Singapore
The University of Hong Kong
NED University of Engineering and Technology, Karachi, Pakistan
Avinashilingam Institute for Home Science and Higher Education for Women, Coimbatore, India
The Tamil Nadu Dr. M.G.R. Medical University, Madras, India
Karnatak University, India
Indira Gandhi National Open University, New Delhi
The University of Delhi, India

Khulna University, Bangladesh
University of Malaya
University of Colombo, Sri Lanka

AFRICA
University of Mauritius
University of Botswana
University of Malawi
University of Zimbabwe
Kenyatta University
The University of Zambia
University of Cape Town
University of Durban-Westville
University of Pretoria
Nairobi University
University of Namibia
University of Swaziland
University of Dar es Salaam, Tanzania

NORTH AMERICA
McMaster University, Ontario
Waterloo University, Ontario
University of Alberta
Nipissing University, Ontario
McGill University, Quebec
University of Prince Edward Island
University of British Columbia

CARIBBEAN
University of Guyana
University of the West Indies

ANNEX 3

REGIONAL ANALYSIS OF QUESTIONNAIRE REPLIES

	All Regions	All Regions	United Kingdom	United Kingdom	Mediterranean	Mediterranean	Australasia	Australasia	Asia	Asia	Africa	Africa	North America	North America	Caribbean	Caribbean
	Yes Response %	No Response %	Yes Response %	No Response %	Yes Response %	No Response %	Yes Response %	No Response %	Yes Response %	No Response %	Yes Response %	No Response %	Yes Response %	No Response %	Yes Response %	No Response %
The University is a legal corporate body	100%	0%	100%	0%	100%	0%	100%	0%	100%	0%	100%	0%	100%	0%	100%	0%
The Chancellor is appointed by the University Council	55%	45%	75%	25%	0%	100%	90%	10%	11%	89%	27%	73%	86%	14%	100%	0%
The Chancellor is appointed by the Government	38%	62%	0%	100%	100%	0%	10%	90%	89%	11%	67%	33%	0%	100%	0%	100%
More than 33% of Council members are appointed by Government	42%	58%	0%	100%	50%	50%	44%	56%	56%	44%	54%	46%	43%	57%	50%	50%
There are Government appointees on Senate	13%	87%	0%	100%	50%	50%	10%	90%	40%	60%	0%	100%	14%	86%	0%	100%
There are Government appointees on Faculty Boards	8%	92%	0%	100%	50%	50%	10%	90%	10%	90%	0%	100%	14%	86%	0%	100%
The Vice-Chancellor is appointed by University Council	69%	31%	100%	0%	50%	50%	90%	10%	27%	73%	50%	50%	100%	0%	100%	0%
The Vice-Chancellor is appointed by Government	18%	82%	0%	100%	0%	100%	10%	90%	55%	45%	17%	83%	0%	100%	0%	100%
The Vice-Chancellor is chosen by University Council but approved by Government	12%	88%	0%	100%	0%	100%	10%	90%	18%	82%	25%	75%	0%	100%	0%	100%
Government appointees sit on a panel choosing the V-C	24%	76%	0%	100%	0%	100%	0%	100%	45%	55%	27%	73%	33%	67%	100%	0%
Government appointees sit on a panel appointing senior academic staff	18%	82%	0%	100%	50%	50%	10%	90%	36%	64%	18%	82%	14%	86%	0%	100%
The University chooses its own Auditors	64%	36%	100%	0%	50%	50%	60%	40%	45%	55%	62%	38%	71%	29%	50%	50%
The auditor's report is laid before Parliament	43%	57%	0%	100%	50%	50%	70%	30%	67%	33%	46%	54%	29%	71%	0%	100%
The University can without Government consent take out a loan	64%	36%	75%	25%	50%	50%	40%	60%	55%	45%	77%	23%	71%	29%	100%	0%
The University can without Government consent fix the level of course fees	74%	26%	75%	25%	0%	100%	100%	0%	82%	18%	77%	23%	43%	57%	50%	50%
The University can without Government consent invest grant money until required	92%	8%	100%	0%	50%	50%	100%	0%	91%	9%	92%	8%	100%	0%	50%	50%
The University can without Government consent sell property funded by the State	40%	60%	38%	63%	0%	100%	44%	56%	36%	64%	38%	62%	57%	43%	50%	50%
The University can without Government approval set independent pay scales for staff	58%	42%	100%	0%	0%	100%	90%	10%	9%	91%	46%	54%	100%	0%	0%	100%
The University can without Government approval decide the conditions of service of academic staff	75%	25%	100%	0%	100%	0%	90%	10%	45%	55%	62%	38%	86%	14%	100%	0%
The University can without Government approval decide the conditions of service of non academic staff	79%	21%	100%	0%	100%	0%	90%	10%	55%	45%	62%	38%	100%	0%	100%	0%
The University can without Government approval decide to promote staff	96%	4%	100%	0%	100%	0%	90%	10%	89%	11%	100%	0%	100%	0%	100%	0%
The University can publish academic papers without Government approval	100%	0%	100%	0%	100%	0%	100%	0%	100%	0%	100%	0%	100%	0%	100%	0%
The University can enrol any student who meets published entry requirements	98%	2%	100%	0%	100%	0%	100%	0%	91%	9%	100%	0%	100%	0%	100%	0%
The total number of students are decided by the University	81%	19%	63%	38%	0%	100%	80%	20%	91%	9%	92%	8%	86%	14%	100%	0%
The total number of students are directed by the Government	25%	75%	25%	75%	50%	50%	60%	40%	27%	73%	0%	100%	14%	86%	0%	100%
The total number of students are allocated by a buffer body	11%	89%	38%	63%	0%	100%	0%	100%	18%	82%	8%	92%	0%	100%	0%	100%
A new degree programme has to be approved by Government	26%	74%	0%	100%	0%	100%	0%	100%	45%	55%	31%	69%	67%	33%	0%	100%
A new degree programme has to be approved by a buffer body	18%	82%	0%	100%	0%	100%	22%	78%	36%	64%	8%	92%	33%	67%	0%	100%
The Government gives directions to the University on qualifications needed for entry to first degree courses	12%	88%	0%	100%	0%	100%	10%	90%	30%	70%	8%	92%	14%	86%	0%	100%
The Government gives directions to the University on syllabus content	4%	96%	0%	100%	0%	100%	0%	100%	9%	91%	8%	92%	0%	100%	0%	100%
The Government gives directions to the University on the format of examinations	2%	98%	0%	100%	0%	100%	0%	100%	9%	91%	0%	100%	0%	100%	0%	100%
The Government gives directions to the University on teaching methods	0%	100%	0%	100%	0%	100%	0%	100%	0%	100%	0%	100%	0%	100%	0%	100%
Grants are allocated to the University from Government direct	65%	35%	13%	88%	100%	0%	70%	30%	64%	36%	85%	15%	83%	17%	50%	50%
Grants are allocated to the University through a buffer body	35%	65%	88%	13%	0%	100%	33%	67%	36%	64%	15%	85%	17%	83%	50%	50%
University teaching is inspected from time to time by a University appointed Visitor	34%	66%	0%	100%	0%	100%	10%	90%	55%	45%	46%	54%	43%	57%	100%	0%
University teaching is inspected from time to time by Government inspectors	0%	100%	0%	100%	0%	100%	0%	100%	0%	100%	0%	100%	0%	100%	0%	100%
University teaching is inspected from time to time by buffer body officials	21%	79%	100%	0%	0%	100%	0%	100%	18%	82%	8%	92%	0%	100%	0%	100%

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	All Regions	All Regions	United Kingdom	United Kingdom	Mediterranean	Mediterranean	Australasia	Australasia	Asia	Asia	Africa	Africa	North America	North America	Caribbean	Caribbean
	Yes Response %	No Response %	Yes Response %	No Response %	Yes Response %	No Response %	Yes Response %	No Response %	Yes Response %	No Response %	Yes Response %	No Response %	Yes Response %	No Response %	Yes Response %	No Response %
Research policy is decided within the University	100%	0%	100%	0%	100%	0%	100%	0%	100%	0%	100%	0%	100%	0%	100%	0%
Research policy is decided by the Government	6%	94%	0%	100%	0%	100%	20%	80%	9%	91%	0%	100%	0%	100%	0%	100%
Research policy is decided by the buffer body	4%	96%	0%	100%	0%	100%	0%	100%	9%	91%	8%	92%	0%	100%	0%	100%
Government gives directions on the number of staff	17%	83%	0%	100%	50%	50%	10%	90%	27%	73%	25%	75%	14%	86%	0%	100%
Government gives directions on the number of non-academic staff	15%	85%	0%	100%	50%	50%	10%	90%	27%	73%	23%	77%	0%	100%	0%	100%
Government gives directions on staff student rations	12%	88%	0%	100%	50%	50%	0%	100%	36%	64%	8%	92%	0%	100%	0%	100%
Government gives directions on suitability of applicants for senior posts	2%	98%	0%	100%	0%	100%	0%	100%	9%	91%	0%	100%	0%	100%	0%	100%
Staff need Government approval to travel within the country	0%	100%	0%	100%	0%	100%	0%	100%	0%	100%	0%	100%	0%	100%	0%	100%
Staff need Government approval to travel outside the country	15%	85%	0%	100%	0%	100%	10%	90%	45%	55%	15%	85%	0%	100%	0%	100%
The Government has closed the University in the past	14%	86%	0%	100%	0%	100%	0%	100%	10%	90%	55%	45%	0%	100%	0%	100%
The Government has sent police onto the campus to maintain law and order	22%	78%	0%	100%	50%	50%	0%	100%	20%	80%	73%	27%	0%	100%	0%	100%
Academic staff can criticise Government policy without penalty	94%	6%	100%	0%	100%	0%	90%	10%	100%	0%	82%	18%	100%	0%	100%	0%
Students can criticise Government policy without penalty	92%	8%	100%	0%	100%	0%	90%	10%	90%	10%	82%	18%	100%	0%	100%	0%
The University has to provide the Government (or buffer body) with strategic academic plans	62%	38%	100%	0%	50%	50%	80%	20%	80%	20%	45%	55%	14%	86%	0%	100%
The University has to provide the Government (or buffer body) with financial strategies	62%	38%	100%	0%	100%	0%	50%	50%	80%	20%	64%	36%	14%	86%	0%	100%
The University has to provide the Government (or buffer body) with estate strategies	52%	48%	100%	0%	50%	50%	67%	33%	67%	33%	36%	64%	0%	100%	0%	100%
The University has to provide the Government (or buffer body) with more than one financial report per year	28%	72%	63%	38%	0%	100%	20%	80%	40%	60%	27%	73%	0%	100%	0%	100%
The University has to provide the Government (or buffer body) with IT Strategies	19%	81%	63%	38%	0%	100%	11%	89%	13%	88%	11%	89%	0%	100%	0%	100%

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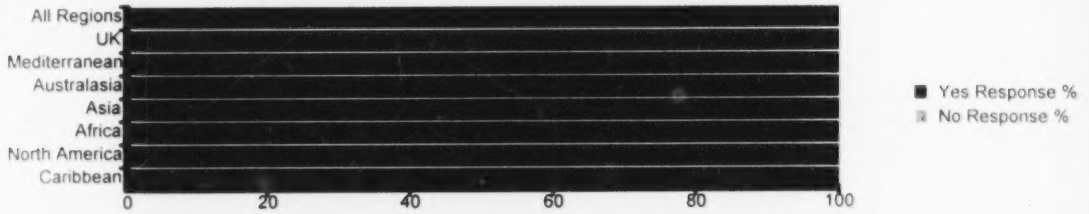
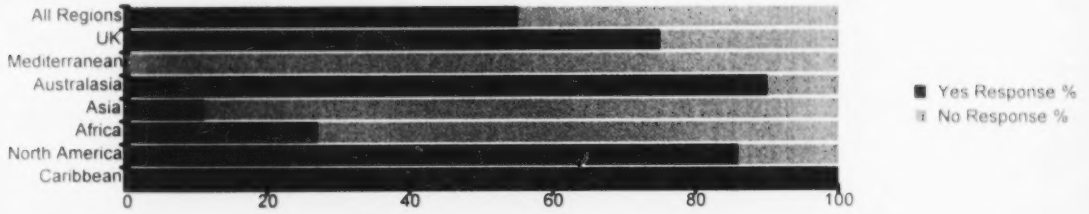
ANNEX 4

GRAPHICAL PRESENTATION OF QUESTIONNAIRE RESULTS BY REGION

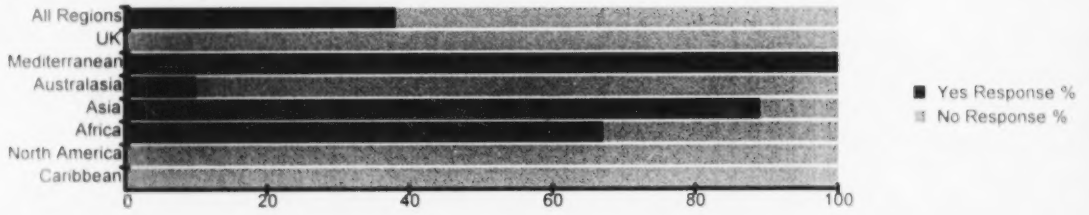
Q1 The University is a legal corporate body



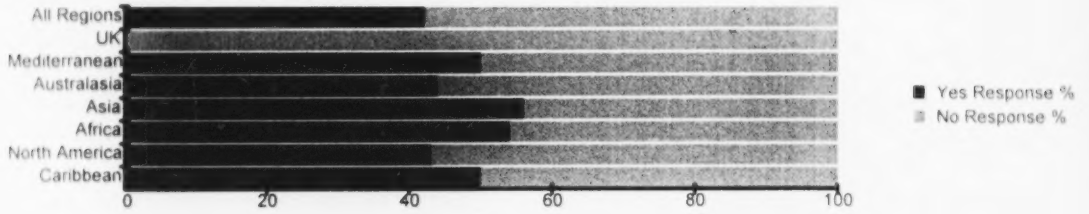
Q2 The Chancellor is appointed by the University Council



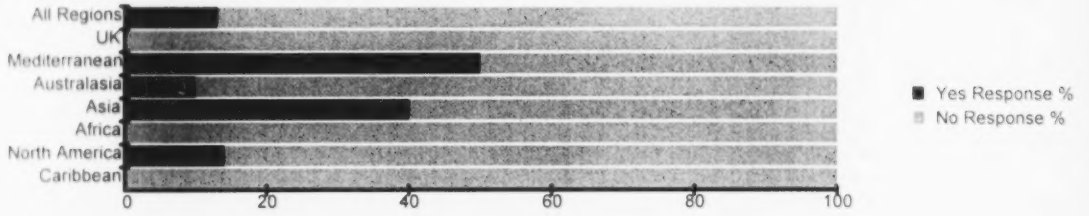
Q3 The Chancellor is appointed by the Government



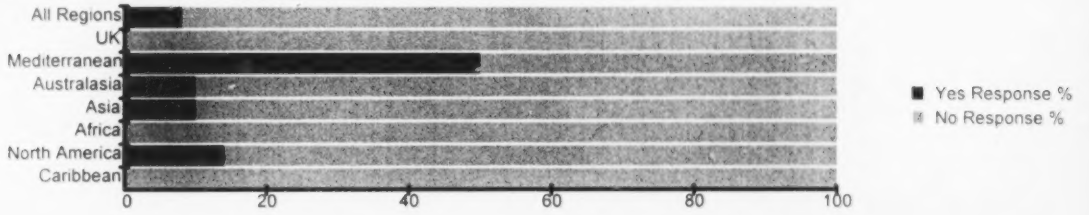
Q4 More than 33% of Council members are appointed by Government



Q5 There are Government appointees on Senate



Q6 There are Government appointees on Faculty Boards



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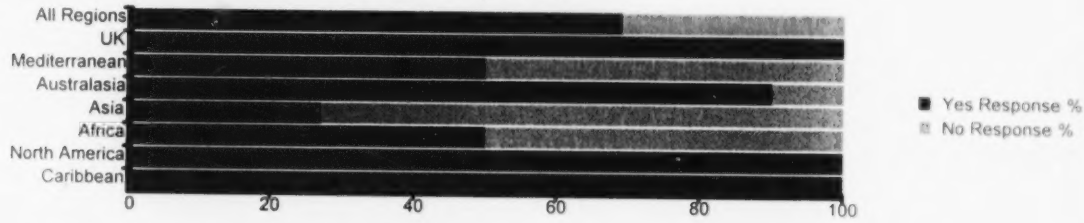
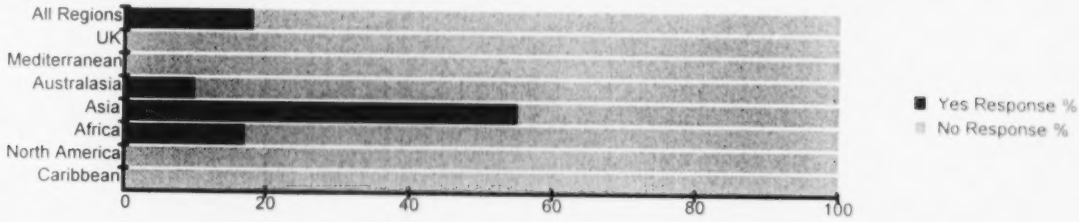
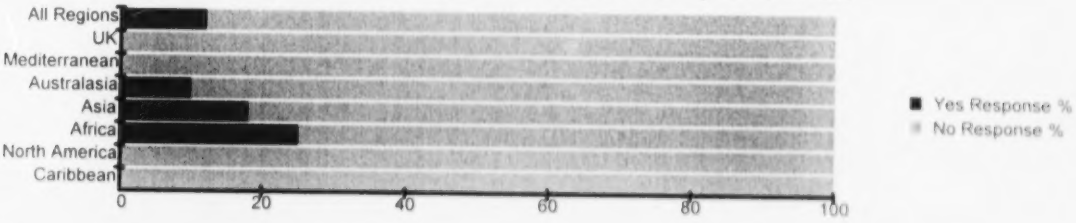
Q7 The Vice-Chancellor is appointed by University Council



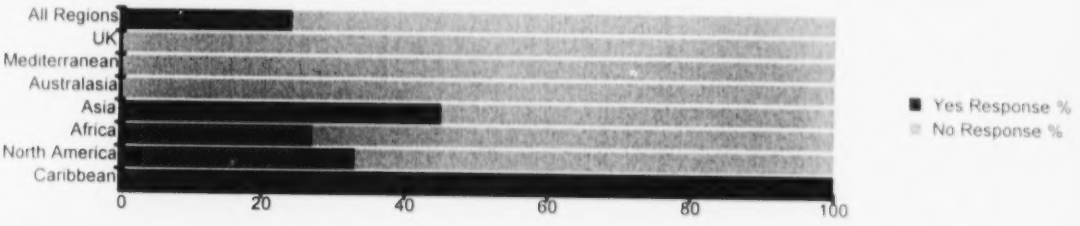
Q8 The Vice-Chancellor is appointed by Government



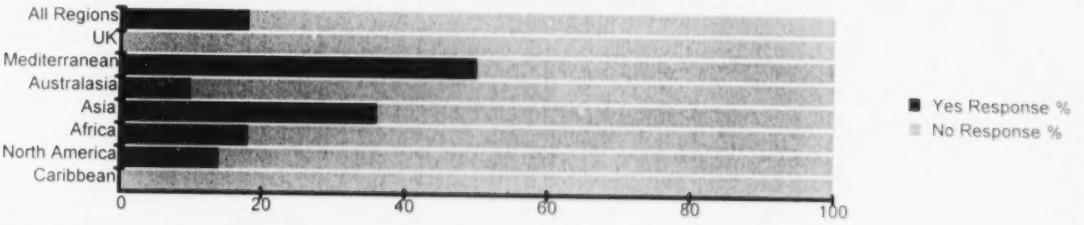
Q9 The Vice-Chancellor is chosen by University Council but approved by Government



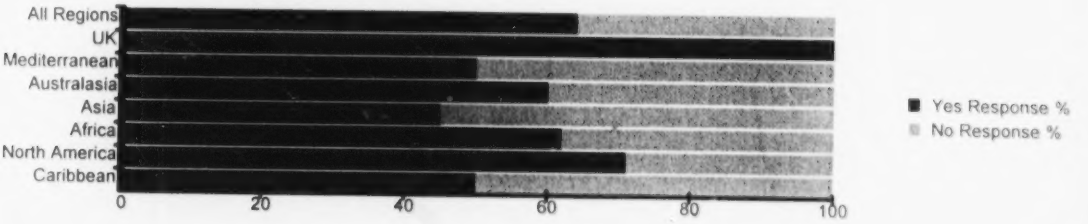
Q10 Government appointees sit on a panel choosing the V-C



Q11 Government appointees sit on a panel appointing senior academic staff



Q12 The University chooses its own Auditors



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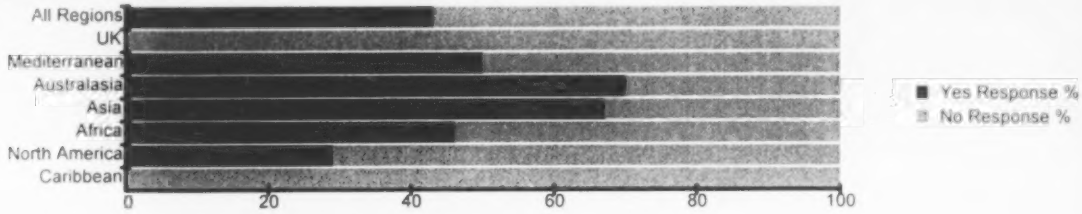
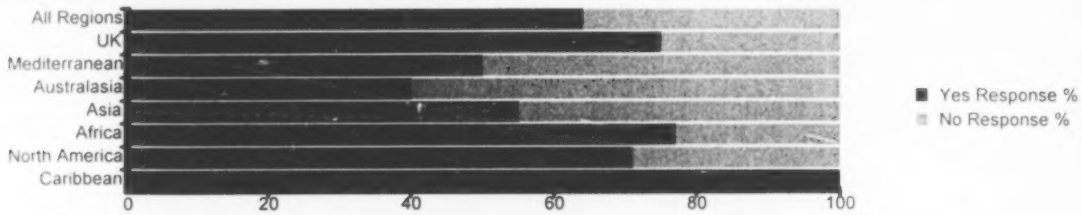
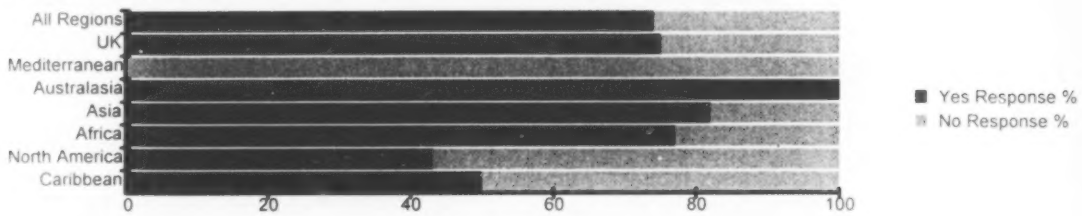
Q13 The auditor's report is laid before Parliament



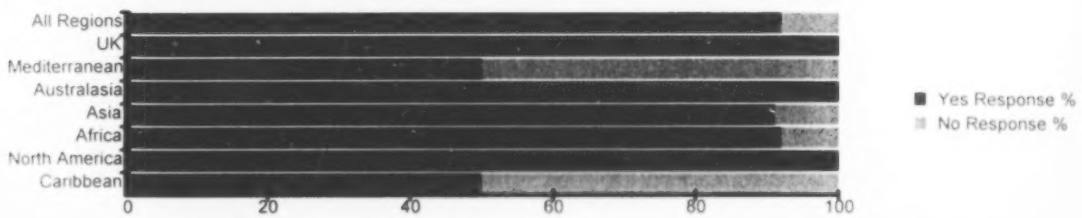
Q14 The University can without Government consent take out a loan



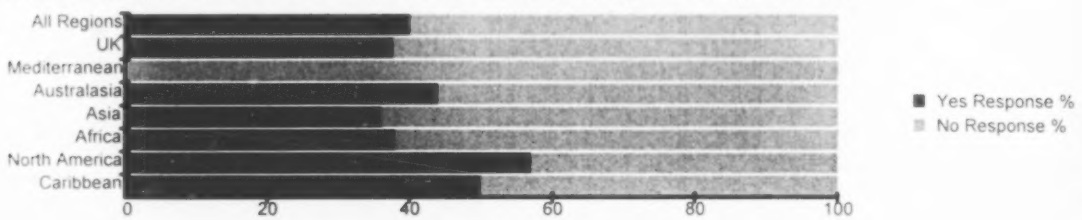
Q15 The University can without Government consent fix the level of course fees



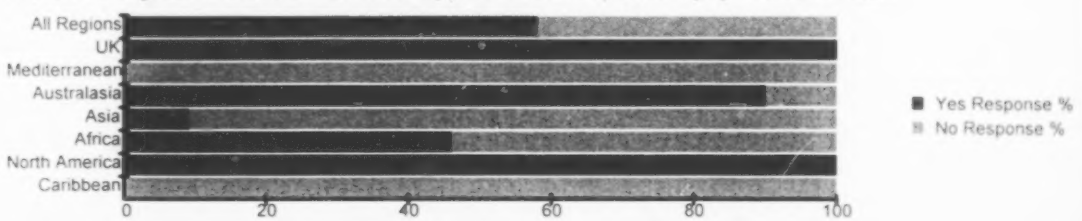
Q16 The University can without Government consent invest grant money until required



Q17 The University can without Government consent sell property funded by the State



Q18 The University can without Government approval set independent pay scales for staff



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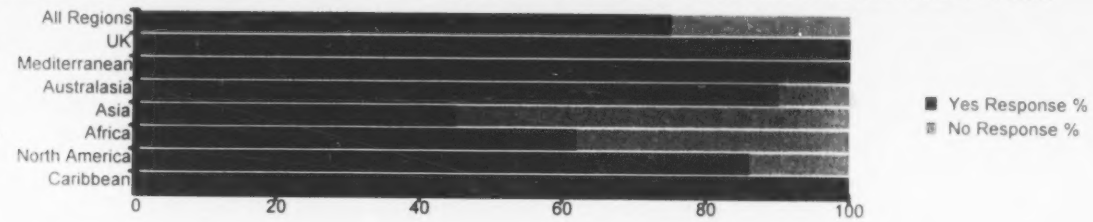
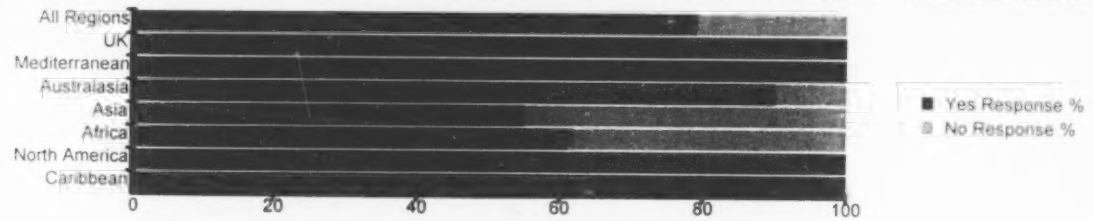
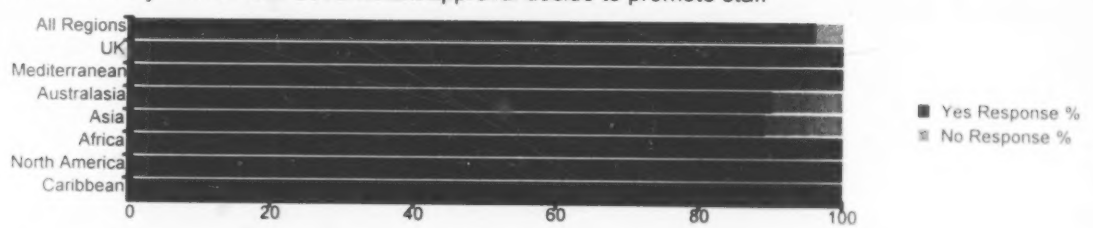
Q19 The University can without Government approval decide the conditions of service of academic staff



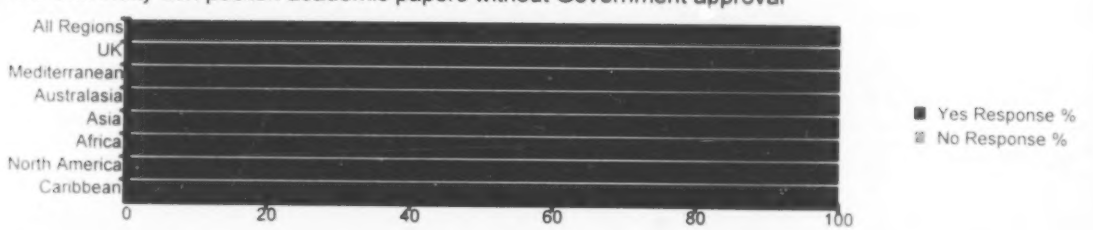
Q20 The University can without Government approval decide the conditions of service of non academic staff



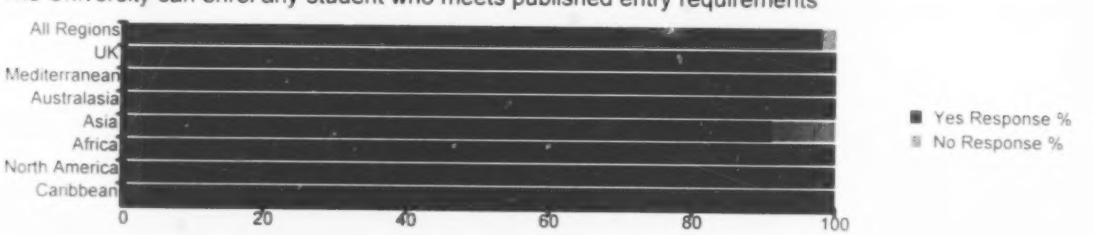
Q21 The University can without Government approval decide to promote staff



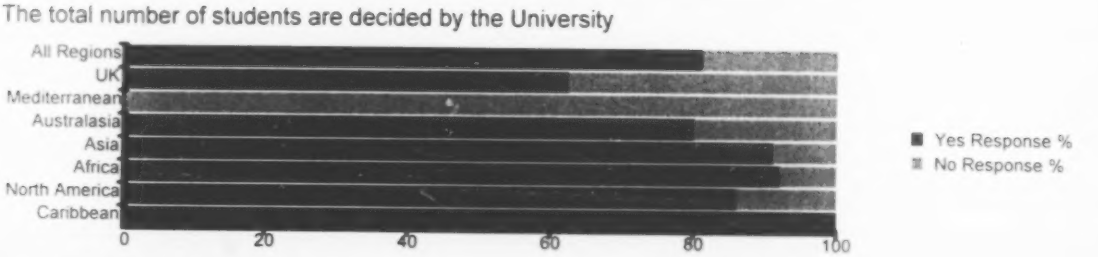
Q22 The University can publish academic papers without Government approval



Q23 The University can enrol any student who meets published entry requirements



Q24 The total number of students are decided by the University



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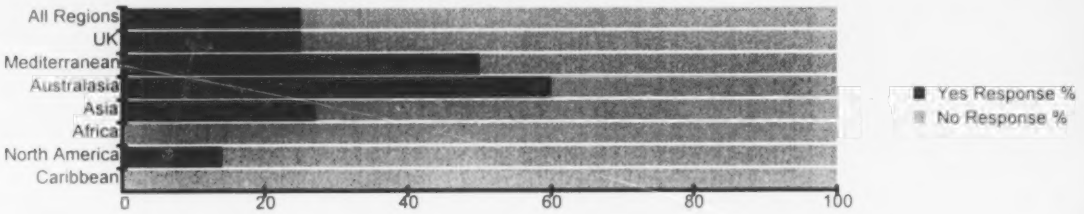
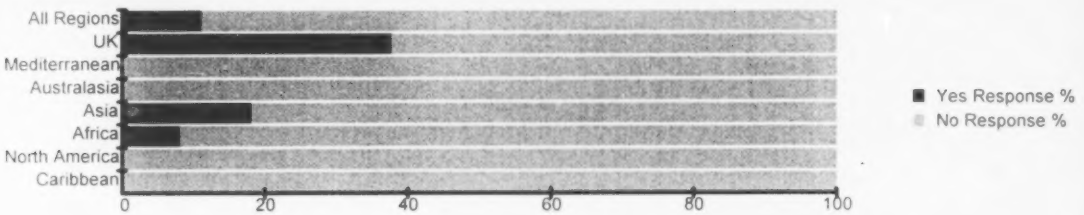
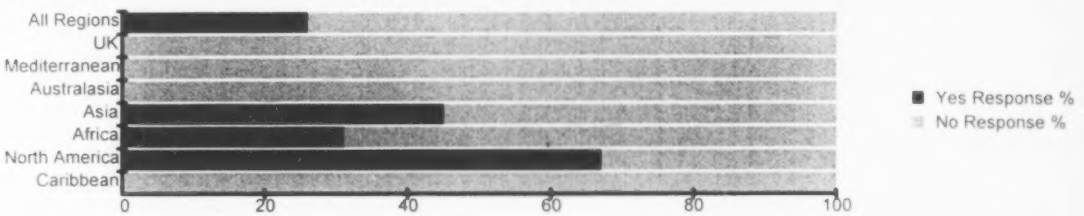
Q25 The total number of students are directed by the Government



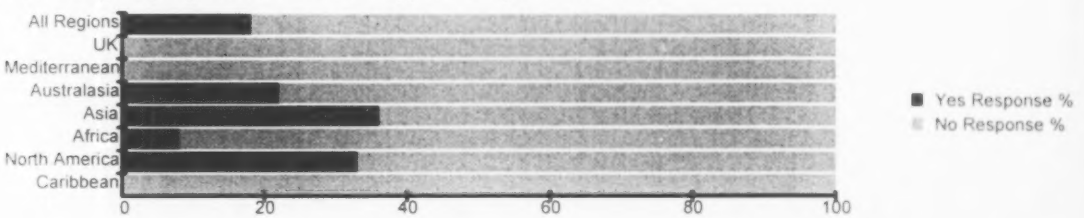
Q26 The total number of students are allocated by a buffer body



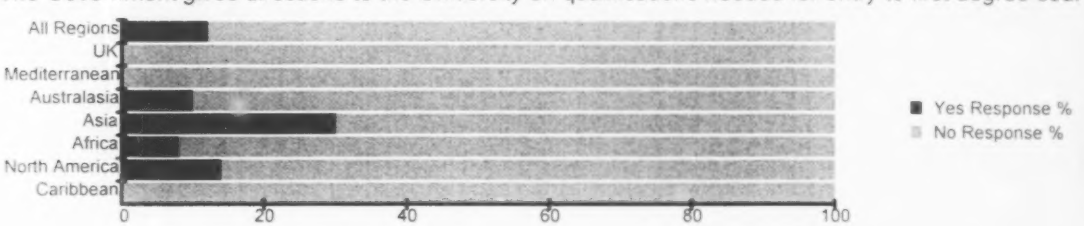
Q27 A new degree programme has to be approved by Government



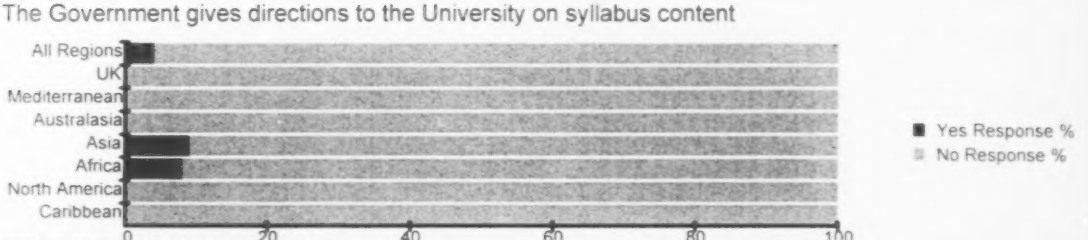
Q28 A new degree programme has to be approved by a buffer body



Q29 The Government gives directions to the University on qualifications needed for entry to first degree cour



Q30 The Government gives directions to the University on syllabus content



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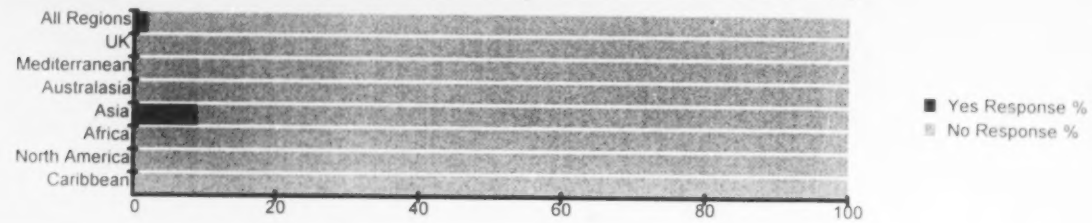
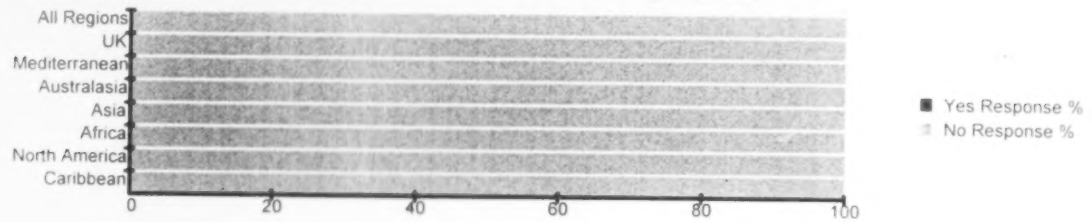
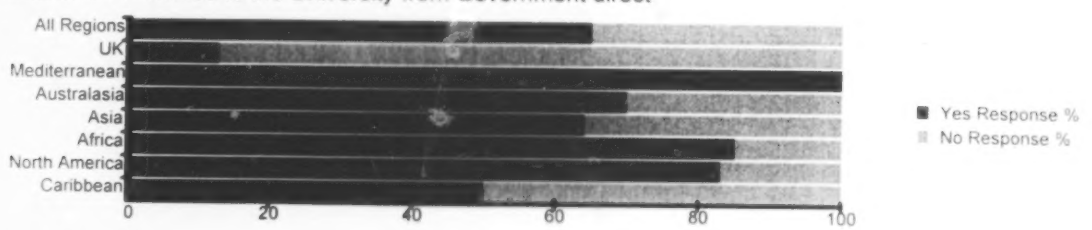
Q31 The Government gives directions to the University on the format of examinations



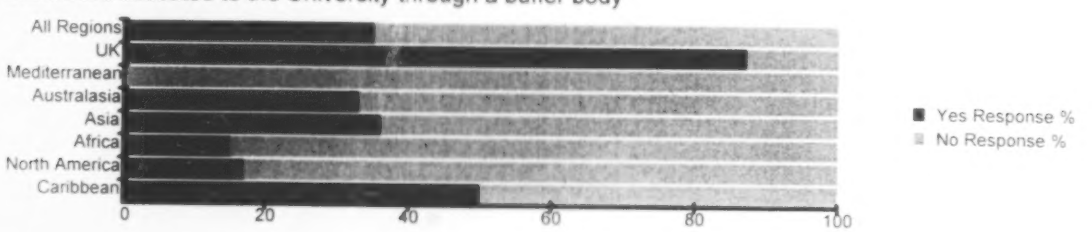
Q32 The Government gives directions to the University on teaching methods



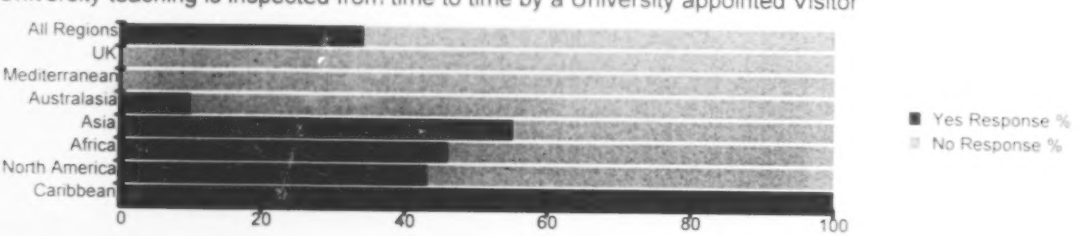
Q33 Grants are allocated to the University from Government direct



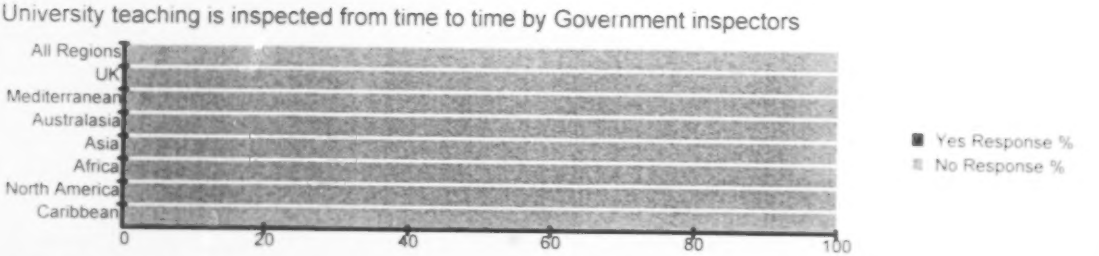
Q34 Grants are allocated to the University through a buffer body



Q35 University teaching is inspected from time to time by a University appointed Visitor



Q36 University teaching is inspected from time to time by Government inspectors



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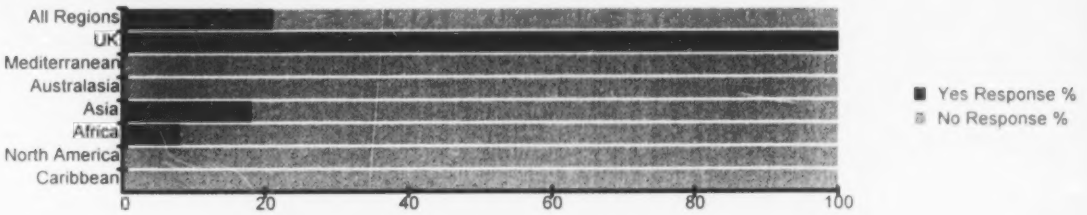
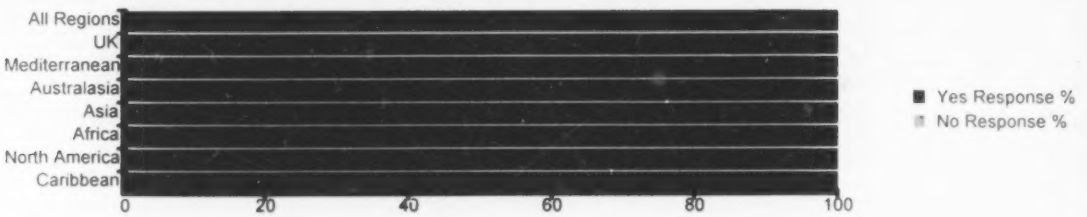
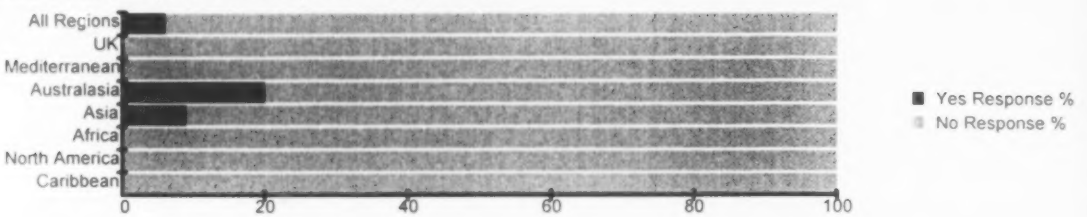
Q37 University teaching is inspected from time to time by buffer body officials



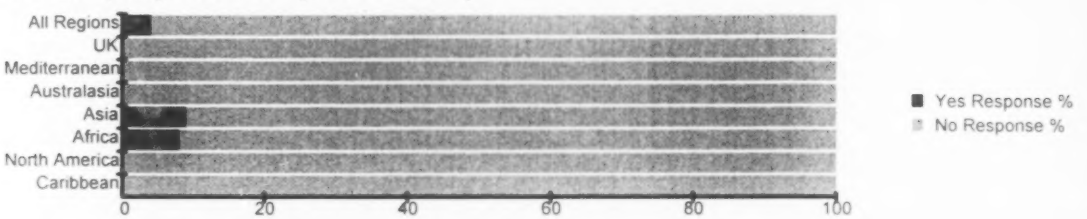
Q38 Research policy is decided within the University



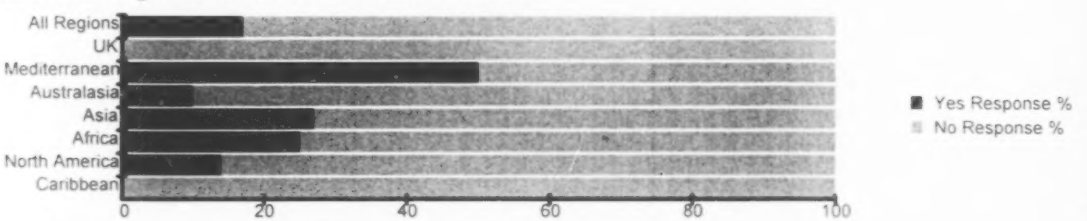
Q39 Research policy is decided by the Government



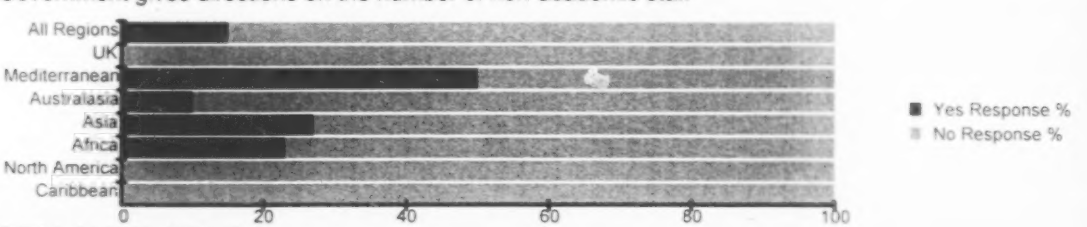
Q40 Research policy is decided by the buffer body



Q41 Government gives directions on the number of staff



Q42 Government gives directions on the number of non-academic staff



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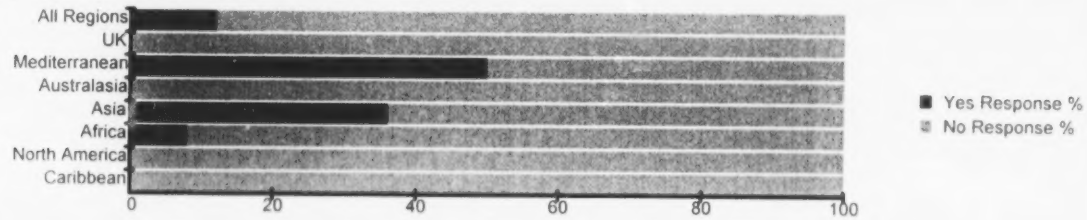
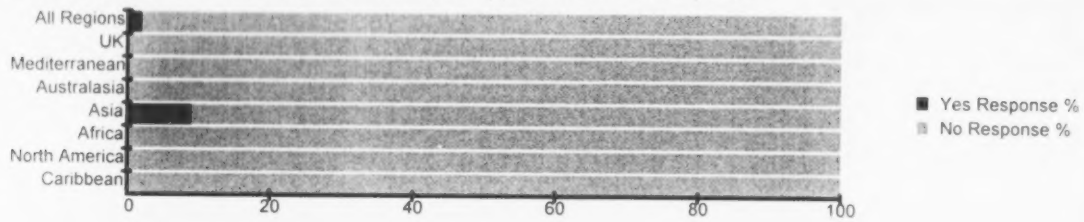
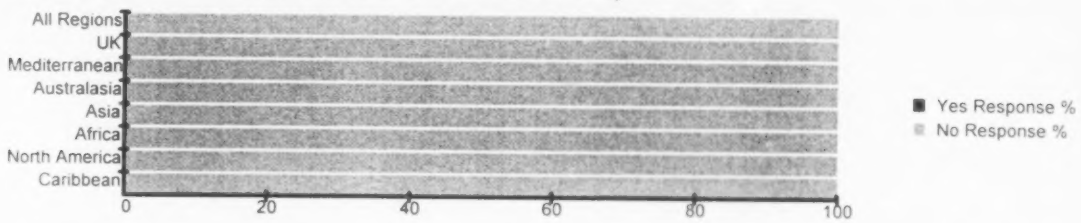
Q43 Government gives directions on staff student ratios



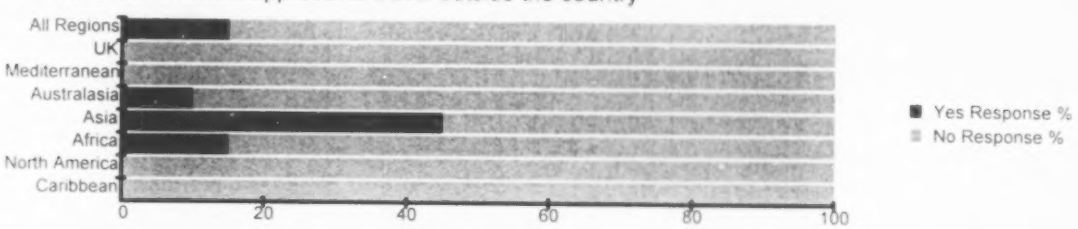
Q44 Government gives directions on suitability of applicants for senior posts



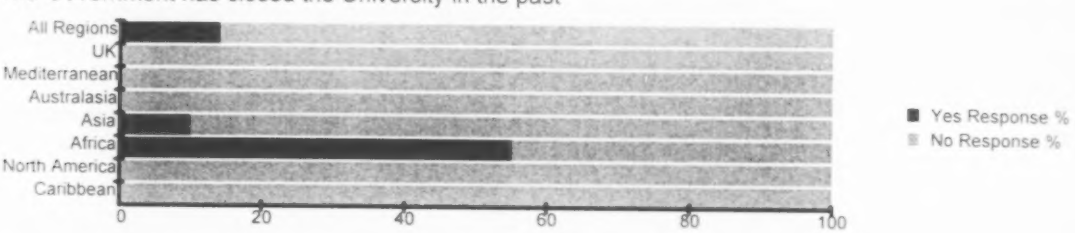
Q45 Staff need Government approval to travel within the country



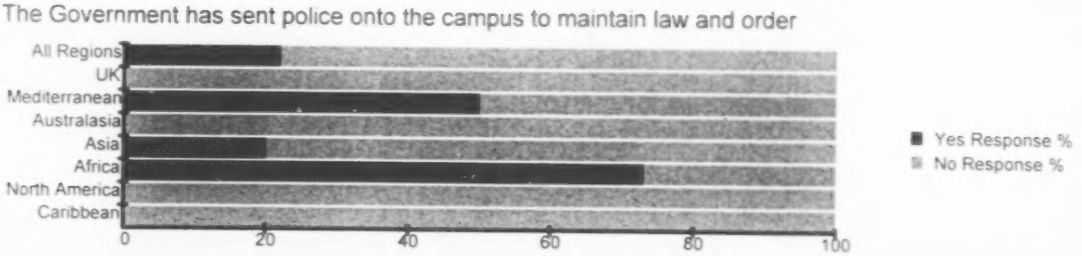
Q46 Staff need Government approval to travel outside the country



Q47 The Government has closed the University in the past



Q48 The Government has sent police onto the campus to maintain law and order



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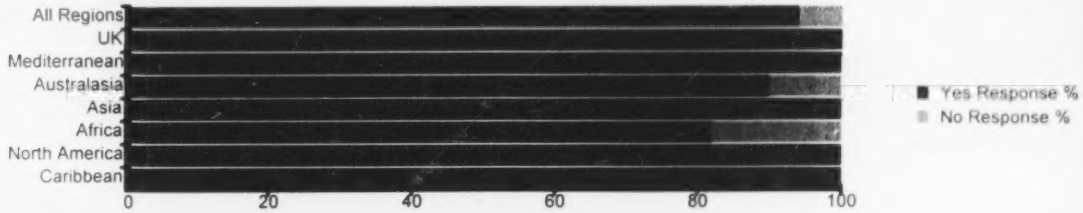
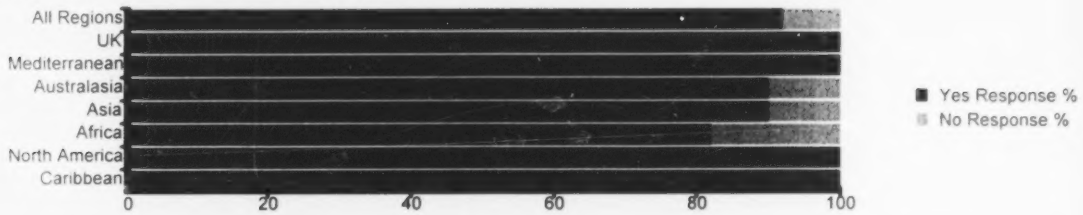
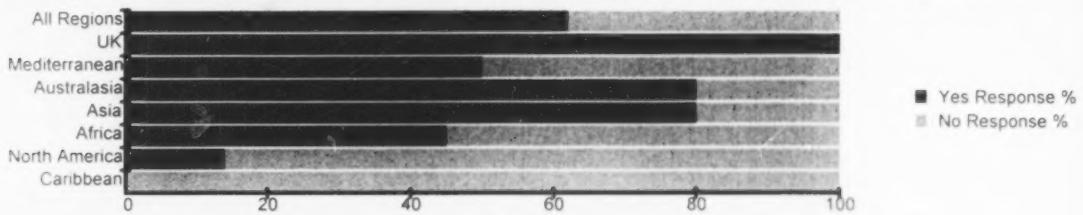
Q49 Academic staff can criticise Government policy without penalty



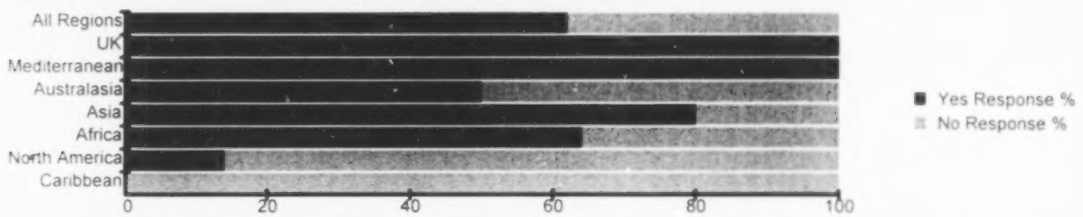
Q50 Students can criticise Government policy without penalty



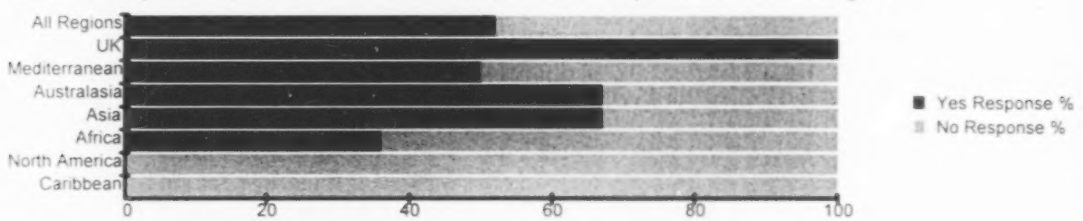
Q51 The University has to provide the Government (or buffer body) with strategic academic plans



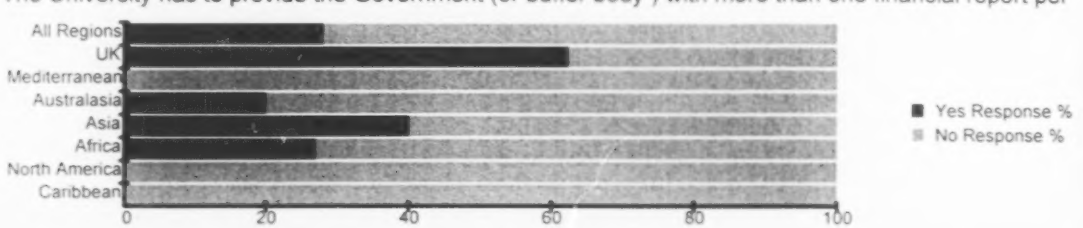
Q52 The University has to provide the Government (or buffer body) with financial strategies



Q53 The University has to provide the Government (or buffer body) with estate strategies



Q54 The University has to provide the Government (or buffer body) with more than one financial report per



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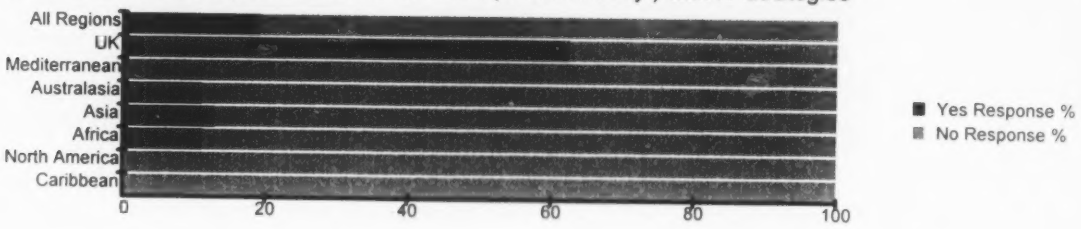
Q55 The University has to provide the Government (or buffer body) with IT Strategies



ANNEX 5

LEGAL DOCUMENTS

Legal Documents Were Examined for the Following:

University of Birmingham, England
Liverpool John Moores University, England
Glasgow Caledonian University, Scotland
University of Malta
The University of Queensland, Australia
Victoria University of Technology, Australia
University of Canterbury, New Zealand
Karnatak University, India
Bombay Institute of Technology, India
NED University of Engineering and Technology, Karachi, Pakistan
University of Colombo, Sri Lanka
Khulna University, Bangladesh
University of Malaya
The National University of Singapore
The University of Hong Kong
The University of Zambia
The University of Zimbabwe
The University of Nairobi
The University of Lagos
York University, Ontario
University of British Columbia
University of the West Indies

ANNEX 6

CLASSIFICATION OF QUESTIONNAIRE ANSWERS

For an explanation of the assumptions used to classify responses, please refer to Chapter 6 page 52. IA is Institutional Autonomy and AF is Academic Freedom.

QUESTION NUMBER	YES	NO	IA	AF
1. University is a legal corporate body	SS	SC	IA	
2. Chancellor appointed by University Council	SS		IA	
3. Chancellor appointed by Government	SC	SS	IA	
4. 33%+ Council members appointed by the Government	SC	SS	IA	
5. Government appointees on Senate	SC	SS		AF
6. Government appointees on Faculty Boards	SC	SS		AF
7. Vice-Chancellor appointed by University Council	SS	SC	IA	
8. Vice-Chancellor appointed by Government	SC	SS	IA	
9. Vice-Chancellor chosen by University Council but approved by Government	SC	SS	IA	
10. Government appointees on panel choosing VC	SC	SS	IA	
11. Government appointees on panel appointing senior staff	SC	SS		AF
12. University chooses its own auditors	SS	SC	IA	
13. Auditors report before Parliament	SC	SS	IA	
14. University can take out a loan without Government consent	SS	SC	IA	
15. University can fix level of course fees without Government consent	SS	SC	IA	
16. University can invest grant money without Government consent	SS	SC	IA	
17. University can sell property funded by State without Government consent	SS	SC	IA	
18. University can set independent pay scales	SS	SC	IA	
19. University decides conditions of service of academic staff	SS	SC	IA	
20. University decides conditions of service of non-academic staff	SS	SC	IA	
21. University can decide to promote staff	SS	SC	IA	
22. University can publish academic papers	SS	SC		AF
23. University can enrol students meeting published entry requirements	SS	SC		AF
24. Total student numbers decided by the University	SS	SC	IA	
25. Total student numbers directed by Government	SC		1A	
26. Total Student numbers allocated by buffer body	SC		1A	
27. New degree programme needs approval by Government	SC	SS		AF
28. New degree programme needs approval by buffer body	SC	SS		AF

29. Government directs university on entry qualifications	SC	SS		AF
30. Government directs university on syllabus content	SC	SS		AF
31. Government directs university on exam formats	SC	SS		AF
32. Government directs university on teaching methods	SC	SS		AF
33. Grants allocated directed from Government	SC	SS	IA	
34. Grants allocated by buffer body	SC	SS	IA	
35. Teaching inspected by University appointed visitor	SS			AF
36. Teaching inspected by Government inspector	SC	SS		AF
37. Teaching inspected by buffer body	SC	SS		AF
38. Research Policy decided in University	SS			AF
39. Research Policy decided by Government	SC			AF
40. Research Policy decided by buffer body	SC			AF
41. Government gives directions on number of staff	SC	SS	IA	
42. Government gives directions on number of non-academic staff	SC	SS	IA	
43. Government gives directions on staff-student ratios	SC	SS	IA	
44. Government gives directions on suitability of applicants for senior academic posts	SC	SS	IA	
45. Government approves staff internal travel	SC	SS	IA	
46. Government approves staff external travel	SC	SS	IA	
47. Government has closed University in the past	SC	SS	IA	
48. Government has sent police onto campus	SC	SS	IA	
49. Staff criticise Government policy - no penalty	SS	SC		AF
50. Students criticise Government policy - no penalty	SS	SC		AF
51. University must provide Government with strategic academic plans	SC	SS	IA	
52. University must provide Government or buffer body with financial strategies	SC	SS	IA	
53. University must provide Government or buffer body with estate strategies	SC	SS	IA	
54. University must provide Govt or buffer body with one or more financial reports per year	SC	SS	IA	
55. University must provide Government or buffer body with IT strategies	SC	SS	IA	

CHEMS can be contacted at
36 Gordon Square
London WC1H 0PF
Tel (44) 0171 387 8572
Fax (44) 0171 2655
Email chems@acu ac uk

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